

THE PROTECTION OF MINORITY RIGHTS : A COMPARATIVE SURVEY
WITH SPECIAL REFERENCE TO SOUTH AFRICA'S CONSTITUTIONAL
OPTIONS.

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CONTENTS

Preface

Chapter

Page

1.INTRODUCTION.....	1
---------------------	---

2.PERSPECTIVES AND THEORIES RELATING TO MINORITY RIGHTS

AND ETHNICITY.....	5
--------------------	---

Identifying minorities.....	7
-----------------------------	---

Which minority rights are relevant?.....	12
--	----

The relationship between group and individual rights.....	15
---	----

Accommodating minority rights.....	19
------------------------------------	----

3.AN EVALUATION OF CONSOCIATIONAL DEMOCRACY AS AN

INSTRUMENT FOR THE PROTECTION AND PROMOTION OF

MINORITY RIGHTS.....	26
----------------------	----

Introduction.....	26
-------------------	----

The four underlying principles.....	32
-------------------------------------	----

Conditions favouring consociationalism.....	37
---	----

Conditions unfavourable to consociationalism.....	39
---	----

The relationship between consociational democracy and federalism.....	40
--	----

Critique relating to consociationalism.....	47
---	----

4.A COMPARATIVE SURVEY OF MINORITY RIGHTS IN SELECTED

PLURAL SOCIETIES.....	54
-----------------------	----

Some general background.....	54
------------------------------	----

Canada	59
--------------	----

Belgium.....	74
Switzerland.....	86
Cyprus.....	99
Northern Ireland.....	106
Spain.	113
The Soviet Union.....	118
Nigeria.....	127
Zimbabwe.....	133
What can South Africa learn from the collective experiences of these societies?.....	141
 5.THE SOUTH AFRICAN MINORITIES QUESTION.....	146
Contending perspectives and policies relating to minority issues in South Africa.....	151
Who are the minorities in South Africa ?.....	180
-Racial Groups.....	181
-Ethnic Groups.....	189
-Socio-economic or class-based Groups.....	204
Which minority rights are relevant and how can these be constitutionally accommodated in a democratic South Africa ?.....	210
-Which Rights?.....	211
-Constitutional Structures.....	217
-Federalism.....	219
-Consociational Democracy.....	232
 6.EVALUATING THE NATAL-KWAZULU INDABA PROPOSALS AND THE PROPOSED CONSTITUTION OF THE NAMIBIAN MULTI-PARTY CONFERENCE WITH RESPECT TO MINORITY RIGHTS.....	243
7.CONCLUSION.....	273
BIBLIOGRAPHY.....	280

DECLARATION

I declare that this dissertation is my own unaided work. It is being submitted for the degree of Master of Social Sciences in the University of Cape Town. It has not been submitted before for any degree or examination in any other University.

Johann van Rooyen

First day of April 1988

ABSTRACT

The purpose of this dissertation is firstly to define and analyse the concept of minority rights and to place it in perspective in relation to surrounding concepts such as communalism, ethnicity, groups and individualism. This is done through a critical discussion of various theoretical perspectives relating to the subject matter. Comparisons are drawn between the policies of various plural societies aimed at accommodating their ethnic diversity, either constitutionally or through methods that lack legitimacy. This is followed by a discussion and evaluation of consociational democracy and federalism as possible solutions to the problems created by ethnicity and minorities in a plural society. Having made the hypothesis that democracy is best served in a multi-ethnic society by a system that emphasizes group rights in addition to individual rights and which accepts the notion of government through consensus, the emphasis then moves to the particular nature of the South African minority question. The policies of the various actors on the South African political scene towards minority rights are analysed critically. Attention is given to factors which may influence group formation in a system emphasizing voluntary association, such as race, ethnicity, class and ideology. There is also a discussion of the nature of the rights which minorities may claim and emphasis is placed on the requirement that minorities should be able to levy strategic influence without disrupting the society as a whole. Finally, this dissertation deals with the

question of which constitutional alternatives offer the most promising solution to the problems caused by South Africa's cultural diversity. Although a political system emphasizing individual rights might come closest to the liberal ideal and may be suitable to a ethnically homogeneous country, the violent history of plural societies where group rights have been neglected, indicate the need for a pluralist solution in South Africa. While there is a strong tendency among Blacks to view the concept of minority rights as yet another Apartheid ploy to maintain White domination and privileges, the purpose of this paper has been to prove that minority rights is an universal concept and is not a creation of Apartheid, although the National Party has managed to almost irreversibly taint it. Yet, in a system of group formation through voluntary association, the concept of minority rights can serve as a powerful tool to help facilitate a negotiated settlement towards a predominantly Black government based on consensus. A true power-sharing consensus-orientated constitution has been found in Lijphart's notion of a consociational democracy and the view is taken that the Natal-KwaZulu Indaba's constitutional proposals is an example of such a constitution.

PREFACE

Although this dissertation is primarily an academic work required for the completion of a Masters Degree, it also represents a longstanding interest of mine in ethnically diverse societies and the plight of minority groups in various parts of the world. The focus of my field of study has shifted during recent years from an international to a more South African perspective, firstly because of the rising level of conflict in South Africa, and secondly because of the acceptance that I, as a member of an Afrikaner minority with a sad record of racial repression, am under an obligation to direct my attention to a fundamental question of a post- Apartheid society : what role should minority rights and a group-based ideology play and which constitutional model will secure a peaceful future for us and our children ?

The precarious position in which the White South African finds himself in 1988 is the direct result of decades of enforced group classification based on race, and the question inevitably arises whether our society might not have been more normal and integrated like that of Brazil, for example, had South Africans been treated as individuals irrespective of their race and ethnicity ? The question is hypothetical and the reality remains a society deeply

divided on racial grounds, with the White minority holding a vice-like grip on political and economic power as a perceived safeguard for the future existence.

The idea behind this paper is then to research the possible ways by which to persuade the ruling group to loosen its grip on power by offering its members certain safeguards regarding their continued survival in, but not dominance of, a democratic non-racial South Africa.

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1. INTRODUCTION

"...in those states in which ethnic, religious and linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with other members of their group, to enjoy their own culture, to profess and practice their own religion, and to use their own language."

-Article 27 of the United Nations Covenant on civil and Political Rights.

The above-mentioned right of persons belonging to minorities has become a focus of continuous political conflict throughout the twentieth century. Minorities are a fact of political life, especially so in plural societies when one segment of the population tends to become politically dominant, causing conflict between it and other weaker or less numerous segments of the society. This results normally in the loss of legitimacy of the ruling government.

Responses to the question of accommodating minorities in a plural society can take the form of either individualism or communalism; individualism referring to the primacy of the individual as the basic and central political unit, as oppose to the group approach of communalism which emphasizes the right of a group to exist and survive. In

this dissertation it will be argued that group and individual rights can coexist and that the ideal constitution in a plural society like South Africa, will strive to keep a fine balance between these.

Although this paper will deal mostly with the minority question in South Africa in the post-Apartheid era, a review will also be given of the current group rights debate and developments in this regard. Since the problem is not unique to South African, comparisons will therefore be made with other countries such as Canada, Switzerland, Cyprus, Northern Ireland, Zimbabwe and Nigeria. All these states have significant minority groups and have tried to accommodate the aspirations of these groups in several ways such as regional autonomy in Belgium, minority overrepresentation in Switzerland, or, as in Spain and Zimbabwe by ignoring group aspirations and insisting on individual rights. Among some of the other constitutional devices traditionally adopted in plural societies to accommodate minorities have been bicameralism, the separation of powers, the federal division of competence, proportionality, checks and balances, a bill of rights and judicial review. Some of these efforts have failed dismally, but by carefully analyzing the reasons behind these failures, conclusions can be drawn with regard to what should be avoided in South Africa's future constitution.

Although South Africa is similar in certain respects to many other plural states in the world, it is unique in two ways : firstly, the dominant group at present actually consist of a numerically small minority group which numbers about one sixth of the total population, and secondly, in South Africa group membership is imposed from without - i.e., it is not voluntary. The emphasis of this paper will fall not so much on the present South African group dispensation which has been forced onto the country by the National Party's obsession with racial and ethnic groups, but will instead focus more on prospects for voluntary group formation in a post-Apartheid era.

When negotiations commence over a democratic constitution, a choice will have to be made between a purely individualistic approach, a communal approach or a combination of the two. If communalism is incorporated into the constitution, the question arises as to whether the rights of groups should be purely negative - i.e. the right against interference from outside the group - or positive, in which case it refers to the more active claims such as representation in the parliament and in the civil service as a group, which implies state support for that particular group and power-sharing. If one accepts the legitimacy of minority rights it should further be decided what kind of groups would be eligible to make legitimate claims and also which rights would be regarded as legitimate. Although it

is difficult to make any prior predictions on which groups will emerge and how long such a configuration will endure, one thing is certain - the principle of voluntary association will have to form the cornerstone of any such a system.

Although much is said in the minority rights debate about how a group's rights against outside interference should be protected, referring mostly to cultural autonomy, language and religious rights, the essence of the debate centers more on political and economic power - how it will be distributed among various groups and whether this distribution will allow minorities to safeguard their interests and survival.

2.PERSPECTIVES AND THEORIES RELATING TO ETHNICITY AND MINORITY RIGHTS.

It may be proper to begin discussion of minority rights by clarifying two surrounding concepts, namely "ethnicity" and "plural society". A plural society is understood to contain two or more communities based on distinct factors of race, culture, caste, language or religion. The lines of differentiation or cleavages tend to be deep and mutually re-enforcing and few cross-cutting cleavages and multiple group applications are present. Political divisions follow closely the lines of social cleavage, leading to sharp conflicts between groups or segments (Boulle 1985 :29). To avoid confusion, Boulle also distinguishes between the term "plural society" which means a highly segmented and conflict prone society and a "pluralistic society" which refer to a society with many politically significant groups with cross-cutting memberships. The political form of the former is sectional domination and for the latter, liberal democracy (Boulle 1985 : 33).

Whereas the terms plural/pluralistic society refers to the heterogeneity of a society in which the segments may or may not be in conflict, ethnicity refers to the factors that are used to justify and give substance to differences between these segments. Rothschild (1981 : 9) refers to

ethnicity as "the political activities of complex collective groups whose membership is largely determined by real or putative ancestral ties and who perceive these ties as systematically affecting their place and fate in the political and socio-economic structures of their state and society". As criteria of ethnic identification, he lists the following : race, kinship, religion, language, customary mode of livelihood and regionalism. Out of the above explanations of the concepts of a plural society and ethnicity, it follows that both concepts are closely intertwined with the definition of minorities.

Sigler (1983 : 5) defines a minority as "... any group category of people who can be identified by a sizeable segment of the population as objects for prejudice or discrimination or who, for reasons of deprivation, require the positive assistance of the state." This definition includes groups whose status derives from race, religion, language, ethnicity, caste and culture. Other characteristics ascribed to minorities are subordinate status, low self-esteem, an implicit sense of solidarity and identity and often imply settlement in a certain geographical area. The definition mentioned in the Covenant on civil and Political Rights of the U.N. is quite similar and defines minorities as "...non-dominant groups in population which possess and wish to preserve stable ethnic, religious or linguistic traditions or

characteristics different to the rest of the population".

A fine semantic distinction can be drawn between the concept of minorities and that of groups. While a minority refers almost inevitably to a non-dominant segment of a heterogeneous population, the concept of group is less specific and may refer to either a majority or a minority. Sigler (1983 : 6) tries to avoid the ambiguities of the term 'group' by focusing on minority rights as an aspect of group rights." In the South African context a stigma has been attached to the term 'minorities' because of the abuse of it by the National Party which has equated minorities in South Africa with "nations" based on forced ethnic affiliations in accordance with the Population Registration Act. This policy of "divide and rule " implies the deliberate fragmentation of the black population. In spite of the fact that the term has been slightly discredited in the South African context, it is used and recognized internationally. I will therefore use the terms 'groups' and 'minorities' interchangeably, with the provision that when I refer to groups, it will be used in reference to minority or non-dominant groups

Identifying Minorities

In order to evaluate minority claims to certain rights and

to a separate identity, one has to first find a way to identify these minority groups. Certain criteria can assist one in evaluating which groups may legitimately make claims.

Ethnicity has always been a prime distinguishing feature of groups. Shibutani and Kwan (1976 : 98-98) define an ethnic group as, "...consisting out of people who conceive of themselves as being of a kind, who are united by emotional bonds, mostly speak the same language, and share a common cultural heritage." Very important is their belief that they are of common descent, but at the same time, such an ethnic group does not necessarily constitute a nation.

Adam and Moodley (1986 : 27) claim that the way by which ethnicity asserts itself depends primarily on the policies of the dominant group - in other words, unchecked domination by the dominant group may cause grievances among the minority group and result in ethnic mobilization. The authors further distinguish between cultural, economic and political ethnicity. Cultural ethnicity refers to language, religion or regional particularities such as customs and shared values. Economic ethnicity denotes economic inequalities that coincide with ethnic group boundaries, while ethnicity in the political sense, refers to legal and regal inequalities between groups

Skin colour is one of the most common differentiating factors used in identifying groups. Such groups will often experience discrimination and prejudice such as being denied access to jobs, education, housing and other social goods. Sigler (1983 : 7) mentions some further identifying characteristics ascribed to minorities: firstly, that membership of such groups are rarely voluntary in the sense that it is usually determined by descent or inheritance; secondly, minority status does not require a numerical minority, as the black population in South Africa can presently testify to. Thirdly, minorities are conflict groups in a continuous state of unrest and social dissatisfaction and fourthly, access to the majority group may be difficult for members of the minority.

Schlemmer, in an article entitled "Need and Criteria for a new Constitutional Dispensation", uses ethnicity as a synonym for group identity. He regards a group's shared self-concept and the way it is defined, in terms of identity-contrast with other groups, as very important. He adds that ethnic group identity (ethnicity) can be nominal, passive and formal and can stem from sentiment actively shared within a group.

Blaauw (1986 :5) mentions that a group is 'sui generis' i.e. it has its own reality/uniqueness and he gives three

reasons for the relatively independent reality of groups: Firstly, although individuals come and go, the group goes on. Secondly, the group has a determining effect on the attitudes of its members, and finally, there will be differences of opinion within any one group.

When identifying a group, one has to deal with the concept of voluntary association, which refers to the freedom of choice of anyone to join any group, and not to be forced to become a member of that group. Macdonald (1986 :9), in his critique of group rights, mentions that defenders of group rights often insist that group rights are illegitimate if the groups are not formed by voluntary association. He questions this approach by arguing that, if it is groups that define persons, it follows that persons cannot become members of any group; and asks these pertinent questions: "So how can groups in this context be constituted by a principle of voluntary association?", and, "is the notion of group rights compatible with this (limited) principle of voluntary association?"

In his view, very few group rights would be legitimate if the principle of voluntary association is to be a condition for the recognition of such rights. He recommends that a more plausible test would be that the recognition of group

rights "should not accord unequal power to some groups".

Macdonald gives further substance to his argument by citing an imaginary example of an Afrikaner group having entrenched representation in a parliament - what would the purpose of this be if the principle of voluntary association allows anybody from any group to join an Afrikaner group?

A plausible answer to Macdonald's argument would be that even under a system of free association, certain criteria would determine individual entry into a group, eg. language, religion, or in the case of a political party, sharing the same ideological beliefs as other party members. Macdonald finally admits that even though he argued that group rights are not legitimate, the reality of a linguistically heterogeneous South African plural society suggests that his previous analysis is "fatally flawed".

According to Adam and Moodley (1986 :13), South Africa is the only society in the world where ethnic group membership is imposed from without, in other words, as opposed to voluntary association. This is true with regard to Blacks, Indians and Coloureds. In accordance with National Party ideology, the population is not only divided into racial groups, but also into a further eleven black ethnic

nations. These racial and ethnic boundaries have been drawn up by Apartheid architects in an effort to fragment Black opposition, with complete disregard for the basic cornerstone of group formation, namely voluntary association. Adam and Moodley sum up their debate behind voluntary association as follows: "If a group identity is not self-chosen, why should its members want to preserve it?"

When determining the legitimacy of a group's existence, all of the above factors are useful, but two of them are especially important. Firstly, the strength of group identity and group self-image as a distinguishing factor, and secondly, that such a group should be formed by voluntary enrollment by its members.

Which minority rights are relevant?

Several theorists have tried to formulate a criterion with which to measure the rights which may need to be secured and protected. According to Blaauw (1986 :11), the Draft Convention on the Protection of National or Ethnic Groups or Minorities lists the following rights of minorities on national level:

- the right to self-determination;
- cultural and regional autonomy;

the right to participate in legislative, administrative
and judicial processes;

the right to share in the distribution of public funds;

the right to utilize natural resources in the territory
of the minority group, and finally;

the right to economic, social and cultural development.

Dinstein (1976 :102-121) sees the following minority rights
as being fundamental:

the right to physical existence;

the right to self-determination;

the right to preservation of a separate identity;

the right to utilize national resources.

Vernon van Dyke (1984) identifies the following group
rights:

the right to self-determination;

the right to separate constitutional representation;

the right to special and separate legal status;

the right to have a separate language and culture;

the right to have a separate homogeneous residential
area and property rights;

the right to equal economic opportunity.

Conor Cruise O'Brien (1984 :14) emphasizes the rights which
minorities have historically sought: Social integration

into the wider society, economic, technical and functional integration and equality, and if all else fails, the right to political secession - the latter being a doubtful and controversial right.

Most of the above-mentioned rights can be divided into positive and negative rights according to Macdonald (1986 :8). He defines negative rights as rights against interference of others, the right to 'do one's own thing' - such as the freedom of a group to practice its own religion. Positive rights are rights which require public recognition and positive support, such as a claim for state funding of schools which will allow groups to educate their children in their own language, or to have that language officially recognized. Macdonald sees group rights as positive rights which are not claims to non-interference, but claims to positive support. Other characteristics which Macdonald ascribes to group rights are that the holders of such rights have duties rather than liberties, and that the holders of group rights have those rights in virtue of sharing feature of group membership.

It seems then, that the right of a group to exist and survive is the most basic right of all. Only then can such a group hope to assert other rights such as the right to live differently from other groups if they so wish, to exert their more positive rights such as cultural and

regional autonomy and to expect not to be treated as second-class citizens in any respect.

The Relationship between Group and Individual Rights

According to Sigler (1983 :182), Western political theory has had an essentially individualistic basis since the French and American Revolutions, and civil rights have been mostly aimed at protecting the individual against the power of the state. It was a reflection of liberalism and ignored the fact that groups had rights too. This sentiment has changed in the second half of the twentieth century when people began realizing that the two-tier theory which places the individual against the state, is inadequate to meet strongly emerging claims for group rights. Since minority rights have already been defined, I will look briefly at Individual Rights.

Individual rights, or Individualism, refers to the primacy of the individual as the central political unit, apart from the state. Each individual has certain fundamental civil and political rights such as freedom of speech, worship and property rights. These cannot be taken away from him, and the principle behind them is accepted in most democratic states. The debate between group and individual rights turns on one crucial consideration: Are individual

rights sufficient to protect groups against the state, or do groups require special rights?

One school of thought claims that individual rights are sufficient, and some theorists even regard it as incorrect to speak of group or minority rights, since each individual has his own unique set of interests and values, and is therefore a minority (Louw & Kendall, 1986 :167). Conor Cruise O'Brien (1984 :19) takes a similar view: "Rights are best thought of as inherent in each human being, irrespective of what kind of cultural grouping he or she may belong to." In agreement, Macdonald (1986 :2) states that rights which protect individuals also protect groups at the same time, although he admits that this is only the case in linguistically homogeneous countries. NUSAS hold a similar view - the organization recently claimed: "If the rights of individuals are protected by the law, surely there is no need for minorities to be protected?" -(One person, One vote in a Unitary South Africa brochure, 1987).

A purely individualistic approach in the political structures of a plural or multi-cultural society has been proven idealistic and unworkable with many historic precedents and current examples all over the world. According to Van Dyke (1983 :20), an insistence on individualism "...may leave the individual relatively helpless before those who look upon him with disdain." Van Dyke claims that while life can be good on an

individualistic basis for the dominant majority, minorities at the same time have not done well under individualism, and he gives as an example the plight of the Blacks throughout most of the United States history. Because of the "frequent perversion" of individualism, it tends to work against minorities in a plural society, and ostensible individualism becomes an enemy of the individual who belongs to a group other than the ruling majority (Van Dyke, 1983 : 21). Therefore, Van Dyke argues, certain measures, of a communal nature, need to be taken to guarantee individual and minority rights. He mentions the following measures which have been implemented in various individualistic countries to modify and supplement individualism:

- The granting of regional autonomy to a minority which is concentrated in a certain geographical area, for example, Belgium, Nigeria and the USSR.
- The electoral system may provide for proportional representation for all ethnic groups.
- The electoral system can provide for electoral boundaries to coincide with ethnic boundaries, giving minorities a better chance of voting for their own representatives.
- The handing out of government positions to representatives of minority groups on a proportional basis, for example in Belgium, where cabinet posts are divided equally between Flemish- and French-speaking ministers.

- A second chamber in parliament in which minorities are represented as groups to allow them a minority veto over matters which may be disadvantageous to them.
- Separate but equal schooling may be provided for.
- Outsiders may be prevented from buying property in minority areas, a measure aimed at safeguarding the minority culture (comparable with the Group Areas Act in South Africa).
- Outsiders may take up residence in minority areas only with special permission, with the same result as in the case of the previous measure.

Van Dyke (1983 :22) concludes by saying that as long as all groups enjoy equal status and rights, human rights in general will be better served by communalism than by individualism. This will especially be the case if the segmental boundaries are clear and unchanging.

Sigler (1983 :196) criticizes the notion that individual and group rights must collide. He agrees that this is true in so far as where individual rights have been replaced totally by group rights, but otherwise they can coexist. This idea enjoys some degree of acceptance, but the important question remaining is how to construct a delicate balance between group and individual rights in order to prevent them from clashing in a system which will guarantee democracy.

A conclusion can be drawn that group rights and the recognition thereof does not endanger or challenge individual rights, but is a supplement to the deficiencies of a purely individualistic approach in plural or multi-cultural societies. Blaauw (1986 :18) concurs: "If the principles of freedom of choice and democratic decision-making procedures are consequently followed, no unsolvable conflicts between individual and group rights should develop".

The Accommodation of Minority Rights

Because I will later be looking extensively at specific examples of plural societies and the way they are dealing with their minority problems, I shall therefore just briefly discuss some general ways in which minority rights can be dealt with, according to Rothschild (1981 :155-159).

The first policy that Rothschild mentions is genocide. This refers to the mass-extermination of minorities. Recent examples include the deliberate killing of several million Armenians by the Turks early in the twentieth century, and the extermination of the Jews by the Germans in the second World War.

The second policy is that of expulsion. Examples here are

the expulsion of about ten million ethnic Germans out of Eastern Europe after World War Two, the Asians out of Uganda in 1972 and the Greek and Turkish minorities out of Turkey and Greece respectively in the 1920's. This option today is just as unacceptable to world opinion than the first. Rothschild mentions as a variant on this option the forced relocation of a minority from its own territory to another area within the same state. The South African policy of forced removals is reminiscent thereof.

The third illegitimate option is the compulsory assimilation of a minority into the majority. A recent example is when Rumania forced ethnic Bulgarians to change their names so that it would be more Rumanian. Spain has also for many centuries tried to assimilate the Catalonians, Basques and Galicians into a uniform Castilian culture. Rothschild argues that such a policy might be more successful if minorities could be enticed to identify with a "supraethnic" culture instead of the culture of the majority. For example, a Welshman may be enticed with being identified as British, but never with being English.

The fourth way of dealing with minorities is what Rothschild calls "uncoerced acculturation through crossed-patterned reticulation", which simply refers to the overcoming of ethnic cleavages by competition on an individual basis on economic, social, and other levels.

This is what Adam and Moodley (1986 :197) refer to as devising a "Common Society" and it is a way of making a plural society less plural. These authors believe that South Africa can overcome its plurality by allowing its groups to compete on an individual basis for scarce resources and they make the claim that the country is already relatively "common" through a common religion, economic interdependence and a common social culture between Black and White. This policy is reminiscent of the concept of cross-cutting cleavages which will be discussed later and in greater detail. Rothschild uses the United States as an example of the fourth strategy.

A fifth strategy in dealing with minorities is that of a deliberate neglect and this is done by completely ignoring minority claims, or through the subtle belittlement of ethnic cultures. France's way of ignoring its regionally based cultural groups in Corsica, Brittany, the Alsace and the Basque region, serves as an example of this strategy.

The sixth method concerns the "perversion" of federalisation by turning it into a method of institutionally fragmenting ethnic groups into smaller more easily dominated segments. For example, Stalin subdivided the Turkish/Moslem nation into smaller linguistic ethnic groups such as the Kazakhs, Turkmen and Uzbeks. In South Africa too, the National party has subdivided the Blacks

into several ethnic-based homelands, which have the option of becoming 'independent' from Pretoria.

Because all of the above-mentioned methods entail some form of repression, they do not help to make the dominant group more legitimate in the eyes of minority groups, and therefore make no contribution to reduce inter-group tension and conflict. The exception to the rule is what Rothschild referred to as "uncoerced acculturation through cross-patterned reticulation", which also can be equated with individualism.

Adam and Moodley (1986 :36) distinguish between five types of ethnic dominance which the ruling majority has over the minorities:

- Firstly, they mention state violence against scapegoat minorities, for example the Jews in Nazi Germany, and the Asians in Uganda.

- Secondly, state competition with self-reliant ethnic groups, for example the French Canadians, the Biafrans in Nigeria and the Basques in Spain - the dominant group will resist secession at all costs and may try to co-opt the minority through a political structure like federalism, consociationalism or emphasizing economic interdependency between the two groups.

- Thirdly, the authors mention state tutelage of stigmatized subordinates - i.e. minorities regarded as

inferior by the majority group, for example the Indian caste system.

-Adam and Moodley fourthly refer to state provision of foreign labour supplies and use the guest-worker situation in West Germany as an example. The Turkish workers in the Federal Republic of West Germany are there only temporarily, and have no right to participate in politics, and generally form a stigmatized group. In my view the official policy of West Germany, namely that it is not a country of immigration, is fair - should a homogeneous country artificially create a permanent minority with the potential of inter-group conflict which most plural societies suffer from? I do not necessarily agree with Lord Scarman (in Whittaker, 1984 :64) that a plural society has much to offer to mankind - "A variety of cultures, activities and skills which a homogeneous society cannot offer". The conflict and problems created by most plural societies far outweigh the advantages of cultural diversity. The U.S.A used to be one of the exceptions when it was still a 'melting pot, although looking at the turmoil in certain states with large Hispanic populations like Florida, California and New York over the refusal of these communities to assimilate, one has doubts as to even the United States being an exception anymore.

-Finally, Adam and Moodley mention the state incorporation of ascendent immigrant minorities which results in the least troublesome way of accommodating such

groups. As can be seen, there are many similarities between Adam and Moodley's list of types of ethnic dominance and Rothschild's list of ways of dealing with minorities. These similarities represent minority domination in plural societies, and are the main reasons behind what Van Dyke calls "illegitimacy" in plural societies.

A more feasible alternative is 'communalism' which refers to the acceptance that minority group identity can be made less salient if acknowledged and constitutionally supported and protected by the ruling majority. According to Van Dyke this process can take several forms:

- A federal system by which area-bound minorities are given regional autonomy to run their own affairs.
- Secondly, minority over-representation in parliament and in the civil service through the allocation of fixed quota seats (proportionality).
- A minority veto by which minorities can block legislation at executive or legislative level if it is regarded as disadvantageous to their vital interests.
- Fourthly, segmental autonomy, by which a minority receives certain powers and state resources to deal with at will, regardless of whether that minority is concentrated in a specific area.
- A Grand Coalition referring to a system of government where several political parties representing various groups form coalition government.

The latter four mechanisms are the basic requirements for consociational democracy.

Other communal devices are: voters can register on separate electoral roles, for example the Maoris in New Zealand; minorities may be allowed to maintain their own law and courts, their own educational facilities, and to live according to their own values and traditions with the help, for example, Cultural Councils which look after a group's cultural interests.

The measures mentioned above are representative of the growing trend of acceptance and recognition of group rights in addition to individual rights in the second half of the twentieth century. This does not mean that the acceptance of group rights is a "panacea" according to Van Dyke (1983 :22). Some societies are so deeply divided that not even communal measures can reduce conflict. For example, Lebanon, Cyprus and Northern Ireland, all for whom partition seems the only viable option. But it does mean that the acceptance of communalism must be given serious consideration in a plural society where individualism has failed to provide the answer.

AN EVALUATION OF CONSOCIATIONAL DEMOCRACY AS AN INSTRUMENT FOR THE PROTECTION AND PROMOTION OF MINORITY RIGHTS.

Introduction

The idea of consociationalism is a relatively new to the Western constitutional debate. Traditionally, majority rule was seen as the embodiment of democracy and the British Parliamentary and American Presidential systems were held as examples of such majoritarian democracy. The concept of "constitutionalism" was founded on the fear of the abuse of majority power, according to Boulle (1985 : 1). Lijphart's notion of consociational democracy was founded on this principle of curtailing majority power in favour of power-sharing between both majority and minority groups.

Boulle (1985 : 4-14) lists the main characteristics of the British and American constitutional systems and highlights the differences between them and a consensus, power-sharing constitution : The British parliamentary system is based on institutions like constitutional monarchy, a bicameral legislature, a parliamentary executive, an independent judiciary and a politically neutral civil service. The term "Westminster system" refers to certain distinctive features of the British system and the close institutional relationship between the legislature and the executive is regarded as the essence of the system. The distinctive

majoritarian features of the British system which includes the following:

An electoral system that operates according to the plurality principle in single-member constituencies; The British parliament functions in such a way that enables the government, i.e. the dominant party to make legislation even against large majority; The cabinet usually consist only out of members of the majority party; The dominant party captures its seats on a winner-takes-all or first-past-the-post basis, meaning that the runners-up in each constituency cannot utilize any of those votes even if they each lost by just a few votes to the winning candidate; Because of the legislative supremacy of the parliament, no geographical or functional spheres are immune from its authority; Finally, the centralization of authority is a typical feature of the parliamentary system, derived from the supremacy of the parliament, a unitary constitution and the doctrine of ministerial responsibility

Certain restraints have been placed on the majoritarian features of the Westminster system: these include the obligatory general election every five years; a rule of law curtailing the legislative supremacy and almost unlimited powers of parliament; A second chamber in parliament,

which, although weak, does provide some restraint on the more powerful lower house; a further devolution of power does occur with delegation of power to local authorities and to regions like Scotland and Wales.

The American presidential system is based on a fixed term non-parliamentary executive that derives from the separation-of-powers principle. The origins of the system, according to Boule (1985 : 13) can be found in a distrust in government and faith in the division, diffusion, limitation and sharing of authority. The three basic elements of the system are qualifications of the fundamental premise of majority rule - these are : the territorial distribution of competence to the 50 states; the supremacy of the constitution; the authority of the federal judiciary. These basic qualifications represent a system of checks and balances and a deviation from simple majoritarianism. Yet, apart from these qualifications, the system did not give sufficient protection to the Black minority in the USA with regard to fundamental human or group rights until the breakthrough by the Black civil rights movement in the 1960's.

Consociational democracy has been presented as an alternative to majoritarian-based parliamentary and presidential systems. According to Boule (1985 : 25) consociationalism is aimed at providing democracy in plural

societies and is therefore closely related to theories of pluralism. Boule defines consociational pluralism as a model "which recognises cultural diversity as a decisive factor, but maintains stability and avoids conflict through negotiation and cooperation at the elite level, in spite of the lack of cross-cutting affiliations". He makes a distinction between it and the so-called open/consensus pluralist model. The latter refer to a system where cross-cutting group affiliations tends to reduce conflict by building up cooperation and mutual trust in an integrated society.

The concept of consociational democracy originated from the Dutch political scientist Arend Lijphart, and is used as a formula to achieve stability in deeply divided plural societies. This is done by the sharing of political power between various minority groups in plural states according to a certain formula. Lijphart (1980) defines it as "...a form of decision making in which the leaders of all the significant segments of a plural society cooperate to transcend the segmental divisions in such a society".

Consociationalism challenges the tendency to equate democracy with majority rule in plural societies. It deals with negotiation- and compromise politics and relies on four basic principles, all of which are being used in some or other form by most 'democratic' plural societies.

These principles are: a grand coalition, a mutual veto, segmental autonomy and proportionality, and will be dealt with in greater detail later on.

Of the nine plural societies discussed in the previous chapter, most of these have been experimenting with consociationalism or at least with some of its underlying principles. One thinks immediately of Belgium attachment to consociational democracy after 1970 which has put the theory into practice by implementing all four principles, for example, the mutual veto which both the Flemish and the French have when it comes to laws that may be harmful to their cultural interests, the proportionality rule which determines the composition of the cabinet at a 50-50 basis between the language groups, the autonomy that both language groups enjoy in their regions, and the fact that Belgium has been ruled for most of the second half of this century by a grand coalition of several parties.

Switzerland is another highly consociationalized country : A Grand Coalition of parties and ethnic groups, as well as proportionality comes into consideration when the Executive and the National Council are elected; a mutual veto exists and a high degree of segmental autonomy can be found in the French and Italian cantons which protects them from potential domination by the German-speaking majority.

The idea of a Grand Coalition is also found in the Executive of Canada, together with some segmental autonomy in French-speaking Quebec; Spain granted segmental autonomy to Catalonia and, to a lesser extent, to the Basque Provinces. North Ireland and Cyprus too, experimented briefly with consociationalism, and even in the Soviet Union and Nigeria, a degree of autonomy is allowed in the federal units. Zimbabwe also made use of proportionality (to a very generous extent) to accommodate the 20 white seats in its Parliament, although this was forced on them in accordance with the rulings of the Lancaster House Agreement.

By now it should be clear that consociational democracy is supposed to meet a few basic requirements, namely: it must create stability, it must arrange power sharing between groups, it must facilitate cooperation and compromise between the elites of such groups and finally, it must promote and protect minority group rights. This paper is especially concerned with the latter and I shall now look at to what degree the four underlying principles of consociationalism contribute toward the attainment thereof.

.The Four Principles

1. Grand Coalition (the principle of power sharing)

This means that the political leaders of all significant segments (political parties, ethnic, religious or interest groups) govern the country jointly. As said before, this principle is in direct contrast to the winner-takes-all/government-versus opposition system of British politics (Lijphart 1980 : 60). Lijphart argues that it is necessary that as many of the segments as possible in deeply divided societies should be involved in government (Venter, 1983 : 275). This would prevent minorities from being excluded from political decision-making and should help to avoid the conflict which such an exclusion would cause. Since these minorities are being made part of the government, they have to accept responsibility for decisions made by the government. This responsibility, together with the fact that they have inside influence in the government with respect to sensitive minority issues, should help to regulate conflict in a consociational democracy.

According to Boulle (1985 : 46) a grand coalition usually refers to a proportional participation of all minorities in a coalition and it therefore reduces the need for an alternation of office. The Swiss national executive with

it seven members are chosen by the main parties in proportion to their electoral strength, with the condition that at least two of the seven should come from a French- or Italian-speaking canton. In Belgium, the cabinet posts are divided on a 50-50 basis between French and Dutch speaking ministers.

2. Mutual Veto (minority veto)

The purpose of a mutual veto is to ensure that no minority segment can be outvoted on the central political level when its vital interests are at stake (Du Pisanie and Kritzinger, 1985 :447). Lijphart also calls it "negative minority rule" (1980: 61). Even though minorities can be made part of government in accordance with the Grand Coalition principle, they can still be outvoted by the majority in the government. The minority veto gives them the ability to prevent legislation which would disadvantage their minority position with regards to their vital interests. For example, a 20% minority vote can overrule an 80% majority vote. This is the ultimate minority protective mechanism and it can lead to minority tyranny, if used in an indifferent manner. The minority veto can be either an informal common law or a formal constitutional measure (Du Pisanie and Kritzinger, 1985 : 447).

According to Boulle (1985 : 48) the minority veto can be viewed from two sides : firstly as a device to ensure a complete unanimity on all decisions and secondly to enable minorities to prevent the taking of decisions by a cabinet which may harm their minority interests. It is especially the second perspective which makes the veto contentious as it gives minorities a disproportionate amount of power. The minority veto can operate at all levels of government, including the executive, legislature, and judiciary. It can be entrenched in a constitution or just used informally, i.e. without constitutional backing.

Examples of where minority vetoes are in operation are Switzerland and the Netherlands (both informally), Belgium, formally with regard to all cultural and linguistic matters, and Cyprus, where a formal veto given to the Turkish-Cypriot minority caused a lasting deadlock in the constitution, resulting in its eventual failure.

3. Proportionality

Proportionality refers to the requirement that all political groupings of a defined minimum size should be represented according to electoral strength in the legislative and executive. Political groupings could also include ethnic minority representation according to

fixed population proportions. Like grand coalition, it differs sharply from the winner-takes-all system and the principles of majority rule (Du Pisanie and Kritzinger, 1985 : 277). According to Venter (1985 : 277), it removes many divisive issues from plural politics, because proportions are pre-determined and there is no further need for rivalry and competition for positions, resources etc. Groups share power according to their numerical strength or sometimes are overrepresented. It is a very useful concept when segments are of highly unequal size, and is another method to protect the rights of even the smaller minority groups.

According to Boulle (1985 :50), the proportionality principle is never encountered in a pure form in practice, but through its accommodationist role it has been used in countries like Switzerland, Austria, Belgium and the Netherlands.

Practical difficulties include the fact that policy decisions are difficult to take along proportional lines; difficulties also exist when a single prominent position has to be filled, for example the position of the President. Finally, difficulties develop when public appointments are made, because these have to be made proportionally, regardless of the merits or ability of appointees. This can lead to inefficiency because the best person may not necessarily be chosen for the job,

according to Boulle (1985 : 50)

4. Segmental autonomy

This principle means that "decision-making authority is delegated to separate segments as much as possible according to Lijphart (1980 : 61). The idea is that different segments rule themselves when it comes to matters that are not of common concern. Venter (1985 :278) claims that it refers to in reality to minority government - i.e. government by a minority over minority issues. It provides a powerful stimulus for minorities in a plural society to be able to rule their own affairs. According to Venter, segmental autonomy does not necessarily have to be linked to geographical autonomy, unlike in the case of federalism. Examples of segmental autonomy in practice today are the Netherlands, Belgium, Canada, Switzerland, Spain, among others. In most cases, segmental autonomy is institutionalized through a geographic federation. The relationship between segmental and territorial autonomy will be discussed later when a comparison will be drawn between consociational democracy and federalism.

.Conditions favouring consociational democracy

Venter (1985 : 274-281) lists some of the favourable conditions which are needed for consociational democracy to succeed:

- Coalescent leadership, referring to the role of ruling elites to promote unity and compromise among each other, while at the same time retaining support of their followers.
- A multiple balance of power is necessary between sub-cultural segments in so far as at least three numerically balanced segments must exist, and that the total number must not exceed five or six, since this can disrupt cooperation.
- Multi-party systems should exist and parties should coincide with segmental divisions in the plural society. These then "express the principle of segmental autonomy in political form". The parties also serve as political power bases for segmental leaders.
- Population size - most examples of consociational democracies have small populations and small territories.

democracies have small populations and small territories. This helps the elites to become more acquainted with each other, and ensure that the total demands of the system are smaller.

- Whether cleavages are cross-cutting or coinciding - if they coincide, for example, when race, class and language differences reinforce each other, fragmentation is high and vice versa. The higher the fragmentation, the more difficult it is to apply consociationalism.

- The presence of over-arching loyalties such as a national flag, monarchy or fear of external threat, can serve as a unifying force in divided plural societies.

Unfortunately, such loyalties are often absent, and group loyalties become more important, which is not conducive to consociationalism.

Boulle (1985 : 56-58) agrees with Venter's list of favourable conditions for consociationalism but he emphasizes especially the importance of prominent elite leadership - leaders should accept basic national symbols, should be committed to the maintenance of the system, be willing to transcend divisive cleavages through "over-arching" compromise. Furthermore, the leadership should be stable and sufficiently strong to take their followers with them.

The condition of elite leadership has given rise to a debate between Lijphart and Daalder over the existence of a prior tradition of elite accommodation. Daalder argues that a historical tradition of compromise is critical for successful consociationalism, while Lijphart argues that the cooperation can be created by efforts of the elite leadership. The question of who is right is still unresolved, according to Boulle (1985 : 57), but Lijphart's view seems to be the correct one - the chances of elite cooperation succeeding would not depend on historical examples of such occurrences, but on whether the current elite leadership can compromise and cooperate under current conditions.

Conditions unfavourable to consociational democracy

The first of these is if a country's population and territorial size are too large, since this would complicate cooperation. Switzerland, the Netherlands and Belgium are all relatively small. Secondly, a high degree of socio-economic inequality could make cooperation more difficult, and thirdly, if external threats are not perceived in the same way by different segments. Ethnic cleavages are also perceived as unfavourable, as opposed to religious and class differences. Boulle also ventures into the contentious issue of cross-cutting cleavages and

suggests that the absence of cross-cutting cleavages between segments of a society might be unfavourable for consociationalism. He uses Switzerland as an example of cross-cutting cleavages in a successful consociation. The Swiss example will be discussed later on.

The relationship between consociational democracy and federalism

Consociationalism and Federalism are the two constitutional arrangements that are most often identified with the regulation of conflict and the protection of minority rights in plural societies. While both have as a basis a system of institutional checks and balances through a division of sovereignty, federalism refers to a horizontal division of power to the different levels of government, while consociationalism refers to a vertical sharing of power among different groups. Before going in greater depth into the 'differences' between the two concepts, a brief overview of federalism is necessary.

The concept of federalism is based on the rule that the government may be polycentric i.e. with several concurrent and competing sources of power. The relevant fields of power may be geographically, functionally or ethnically defined. Legislative, executive and judicial powers are

separated at all levels of government. In other words, the basic characteristics of a federal state are the absence of a single supreme body and secondly, divided sovereignty. In practice it means that no single group can dominate society as a whole, unless that group can capture all levels of government in every unit. Federalism is diametrically opposed to a unitary system of government, the latter being based on a single, ultimate centre of authority, the central government, which holds all legislative and executive power.

The first basic precondition for a state to be federal is that the communities involved must have a strong need to manage their common affairs collectively, just as they would manage their own affairs separately (Du Pisanie and Kritzing 1985 : 445). If the former does not exist, it will be difficult to establish an association, and different units will drift around independently in the same region - An example would be the German states before Bismark unified them in 1871. Although these states used the same language, had the same culture and occupied the same greater area, they could only be moulded into a very loosely knit community initially, and governed their own affairs and external relations independently. The German Confederation which they belonged to was not a sovereign state but merely an organization of 34 monarchical states.

In order to accommodate different sources of power in a federation, common affairs will be left to the central government and own affairs to the individual autonomous member states or units. This is termed the division of the sovereignty of the state.

The areas in which the different units of a federal state enjoy autonomy, are agreed upon in a written constitution to which all parties are irrevocably bound. A Supreme Court is usually the final arbiter when disputes arise between federal units or between the federal units and the central government.

A further principle, according to Du Pisanie and Kritzing (1985 : 446) is that changes in constitutional matters are subject to the right of concurrence of the majority of federal units. No central government can change the constitution arbitrarily.

Lijphart (1980 : 51) draws a distinction between a federation, which is a single sovereign state, and a confederation which constitutes a co-operative arrangement of two or more states which retain their separate sovereignties. He also mentions that federalism is usually seen as a geographical division of power in which the federal units are territorially defined, giving each

unit authority over all persons in it's area. A different form is Friederich's corporate federalism, which gives a unit jurisdiction over a particular group of people, irrespective of where segments of this group may find itself geographically. Corporate federalism is often deferred to as consociations, although Lijphart does not necessarily agree with this view. Du Pisanie and Kritzing (1985 : 447) agree that corporate federations need not conform to consociational principles of mutual or minority veto, proportionality in respect of civil service appointments and the allocations of funds, i.e. none of the requirements for a consociational democracy.

In addition to the above, Lijphart includes the following characteristics of federalism : A written constitution which specifies the division of power between central and regional governments; Two chambers, representing the people at large and the units of the federation separately; Equality of representation i.e. the smaller units are over-represented in one chamber; Non-centralization, meaning that powers shared by the levels of government, cannot be taken away without mutual consent; and finally, the various federal units can amend their own constitutions unilaterally.

As stated previously federal units are usually based on geographical boundaries dividing different segments of a

plural society. This is the asymmetrical or coinciding boundary model which Lijphart (1980 :56) supports on the following grounds :

The basic aim of federalism is the accommodation of diversity within a framework of political unity.

Clear dividing lines between antagonistic groups can reduce conflict.

The Swiss example shows how successful the asymmetrical model can be in an ethnically-diverse society.

Lipset, in contrast, proposes the symmetrical or cross-cutting model because he argues that antagonism and conflict will be intensified if federal boundaries coincide with segmental boundaries - "Democracy needs cleavage within linguistic or religious groups, not between them". I shall refrain from going deeper into this debate at this point because references, highlighted with concrete examples, will be given throughout the remainder of this thesis, putting the opposing viewpoints in perspective.

A summary of the above characteristics indicate that federal units are highly autonomous and run their own internal affairs, while simultaneously participating in the central government. The inherent inequalities between the units caused by unequal distribution of wealth and population can be balanced by overrepresentation of the weaker units.

According to Lijphart (1980 :60) the concepts of federalism and consociationalism superficially appear to be completely different, but he is of the view that they are actually very closely related - "Federalism can be viewed as a consociational device, and consociationalism can be interpreted as a special form of federalism". Lijphart argues further that a federal state is not really relevant to the problem of plural societies, but that a consociational democracy is. He adds that when the geographical units reflects the cleavage of society, then federalism and consociationalism is one and the same thing.

Du Pisanie and Kritzingen (1985 : 447) see the difference as follows : It is clear that a consociation need not necessarily conform to the conventional concept of the community and the underlying principle of individualism and a shared conception of right which forms the basis of federalism, nor to the resulting principle of the ultimate authority of the constitution is interpreted by the courts".

Boulle (1985 : 54) sees the relationship between the two concepts as follows : "a consociation will also be a federation when the segments are geographically concentrated and the boundaries between the federal units follow segmental boundaries as far as possible, and where the other federal principles, such as bicameralism, are

applied. Conversely, a federation will also be a consociation when the first three consociational principles are applied, the federation is asymmetrical and consists of the appropriate number of small component units, and it provides a decentralized system of government".

According to Venter (1985 : 278-279) there are similarities between federalism and consociationalism in so far as federalism reflects the principles of grand coalition and proportionality in the federal upper houses, the mutual veto as part of the federal unit's veto right over constitutional changes, and finally, it embraces the principle of segmental autonomy in the autonomous status of federating units. Yet for a consociation to be a fully-fledged federation, several requirements need to be fulfilled according to Venter (1985 : 279):

the segments of a plural society must be geographically delimited;

the geographical and segmental boundaries must coincide and the federating units must be mostly homogeneous;

a written, inflexible constitution, a bicameral legislative authority, a division of power, over-representation and judicial powers of revision.

In my view, Venter's thesis on the difference between the two concepts deserve some criticism. If one looks at a classic example of a consociational democracy, Belgium,

then it is clear that the Belgian system fulfills many of Venter's requirements, and could therefore be either. For example, its segments are geographically delimited into Flanders and Wallonia, the geographical and segmental boundaries coincide and, except for Brussels, the units are homogeneous. Furthermore, it has a written, in flexible constitution, a bicameral legislative authority etc. My argument is basically that, as the case of Belgium proves, there is little difference between the underlying principles of federalism and those of consociationalism, and that they are indeed very closely related.

Critique relating to consociational democracy

Forsyth (1984 : 11) directs his criticism of consociational democracy at the "ambiguities" it causes, and recommends that one should rather stick to the "high road of federalism". His basic points of critique are as follows :

Firstly Forsyth argues that Lijphart's definition of a grand coalition is very broad indeed, which leads to all kinds of ambiguities, as discussed under the heading "conditions unfavourable". Secondly, he criticizes the principle of minority veto, which, because of its potential of creating minority tyranny, makes the grand coalition look like a "standing diplomatic conference" and not like

like a single, united government, e.g. as happened in Cyprus. His third point of criticism is aimed at proportionality - he asks the question: "how deep should, for example, ideological differences in a plural society be before proportionality becomes desirable? - would differences between Tory and Labour in Britain or between Democrat and Republican in the USA qualify these countries as plural societies? Forsyth criticizes the ambiguous use of the word 'segment' in the principle of segmental autonomy - he asks whether 'segment' can include both political parties and ethnic groups.

Forsyth's critique, although having some relevancy, seems to be centred more on syntax problems and the degree of vagueness in Lijphart's definitions. Forsyth seems bent on proving that there is no need for "adapting either the framework or the language of consociationalism", but his critique does not really succeed in going any further than attacking the "ambiguities" of Lijphart's definitions.

The critique delivered by Venter (1985 : 281) show more substance:

His first objection is a methodological one which views consociationalism as insufficient for explaining the relationship between coalescent elite behaviour and political behaviour - "Political stability in a plural society is not caused by elitist compromise, but is

something which makes consociational elite compromise possible". Venter continues that one cannot expect that elite action will save a plural society from conflict, because leaders often put their own interests first, at the expense of inter-cultural conflict (Lijphart assumes that elites will firstly attempt to solve conflict). In my view, Venter and others may have a point with regard to the leaders putting personal interest first, but then that is a problem of leadership quality, not of consociationalism, and could happen under any constitutional system. A recent example of leadership quality can be cited in the refusal in 1987 of a French-speaking mayor of a town in Belgium to learn to speak Flemish and resulted in the collapse of the coalition government and forced Belgium into a general election. Even though it started off at third-tier government level, the obstinate actions and the poor leadership quality of a public official eventually had national repercussions.

Lijphart's view that segmental division favours consociationalism also receives much criticism according to Venter (1985 : 283). He mentions Barry's claim that increased internal segmental autonomy only leads to more conflict and greater polarization. Venter also lists other criticism of Lijphart's postulation that Switzerland is such a successful consociation because it is so neatly segmented into various ethnic groups, as opposed to the cross-cutting model. These authors, Steiner and Bohn,

claim that Switzerland has far more cross-cutting affiliations among segments than Lijphart thinks. Their claim is erroneous in my view, as this would be denying the fact that Switzerland's linguistic/cultural segments (cantons) and regions are indeed highly homogeneous, i.e. the ethnic divisions are strongly asymmetrical, not cross-cutting (even though class and religious cleavages may overlap). This will be confirmed by anybody who has travelled between Italian-speaking Ticino, French-speaking Geneva and German-speaking Zurich. It is like travelling in between three different countries - so distinct are the segmental ethnic divisions.

Venter also mentions Gottmann's critique of Lijphart's assumption that segmental isolation can be either geographically or personally based. Gottman believes it is very difficult for a group to maintain its cultural identity without having a defined geographical area. This is a valid criticism, if one accepts that corporate federalism (non-territorial federalism) in Cyprus failed because of the lack of territorially defined areas for its two groups (they were totally interspersed). The conclusion is that the value of geographical borders coinciding with ethnic divisions should not be under-estimated.

Venter also mentions critique of the principle of proportionality, which supposedly causes weak coalition

government , manipulation through party politics and a constant change of government. Venter answers this criticism himself: "...proportionality is a general reflection of divisions already existing in a society" (1985 : 284) (and does not cause these divisions).

The most valid critique, in my view, is aimed at the principle of a mutual veto. Venter mentions that it is time-consuming, unduly favours a status quo and that a proposal benefitting all segments of society can be vetoed by minorities seeking a greater share of the action. The biggest danger is that minority veto can lead to minority tyranny, where a minority can hold a majority hostage through its blocking veto. This can lead to frustration and anarchy. The Cypriot constitution failed because of overuse of the Turkish minority veto. In my view, the only solution to overcome this problem is to increase the minimum % of minority votes needed in parliament for a veto to succeed, to a level just higher than that which any one minority/political party can manage. In other words, such a group will need some support from outside its own group to enable it to veto legislation. This measure will only work if there is more than one minority segment.

In Boulle's opinion (1985 :63) the most prominent shortcoming of consociationalism is the heavy reliance it places on leadership elites and cooperation and compromise.

Furthermore, because of the cooperative nature of consociationalism, there is virtually no opposition in the traditional sense, which can keep the government on its toes. Boulle views this as resulting in the lowering in the quality of democracy. He also mentions that slow and ineffective government may be a result of the counter-majoritarian nature of consociationalism and as said before, the veto and coalition principles can bring a government to standstill, while proportionality can result in the quality of the civil service being adversely affected. As in the case of federalism, the duplication of institutions can be costly and ineffective. Boulle does admit that, although consociationalism may be slow, costly and ineffective over the short term, it does produce results over the long term.

Finally, I will mention some of the critical remarks made by Samuel Huntington (1981 : 4). According to him,, the concept of consociational democracy is incorrectly termed, and should rather be "consociational oligarchy" because of a distinct lack of democracy. Huntington claims that it is democratic only in so far as each group is represented and the consent of all must be present for decisions to be taken. Furthermore consociationalism achieves inclusiveness by sacrificing competition - "In essence it is an elite conspiracy to restrain political competition within and among communal groups". Huntington's arguments

an be countered by arguing that democracy is a relative concept, which may have many interpretations, e.g. the interpretation thereof by the German Democratic Republic which totally contradicts democracy as understood by Western democracies.

South Africa, according to Lijphart's definition, is not very adaptable to consociational democracy, and taking into account the critique listed above, it is clear that the concept is not the perfect solution to all plural conflict. But at the same time, compared to some of the alternatives, some of the underlying principles of consociationalism may well serve to reduce conflict in a multi-cultural society like South Africa, by protecting minority rights. When deciding which of the consociational principles to apply, much depends on the nature of the South African society and its particular needs.

In my view, consociational democracy, when applied selectively, preferably inside a federal system, can serve as a model for overcoming South Africa's plurality question. This will be discussed in more detail in chapter 5.

4. A COMPARATIVE SURVEY OF MINORITY RIGHTS IN SELECTED PLURAL SOCIETIES.

Western political theory has been essentially individualist since the American and French Revolutions and between 1778 and 1850 the foundations were laid for modern thinking about human rights (Blaauw 1986 : 2). The transformation of ethno-nationalism began even earlier however and Blaauw mentions several factors contributing to this process, of which the Westphalian Peace Treaties of 1648 was the most important. Other factors included the after-effects of the industrial revolution and the growing ideologies of liberalism in the 18th and 19th centuries which both favoured the importance of the individual rather than ethnic groups.

This liberalistic way of looking at human rights held in practice little relation to the rights of ethnic minorities and were essentially aimed at the restraint of the power of the state on behalf of individuals. It represented the birth of the Western Liberal political theory, and together with the growth of socialism in the 19th and 20th centuries, it strongly favoured the individual above the ethnic group. In it seemed to signal the demise of ethnicity and group sentiment in Europe.

Yet, contrary to predictions, ethnicity did not disappear completely and in 1914, the unequal treatment of the Serbian minority in Austria-Hungary sparked off the First World War. Before the Second World War, Hitler used the German minorities in Poland and Czechoslovakia to stir up German nationalism, which, for a short while, discredited the entire concept. Shortly after the World War 2, which Blaauw sees as the turning point, a tremendous growth in the spirit of ethnic consciousness and nationalism took place. Several developing societies in Asia, Africa and South America took the lead towards independence. Even in Europe, ethnicity began to replace class-based politics and the liberalistic notion of individualism in plural societies (Glazier 1982 : 47).

Developments in technology and communication in the second half of the 20th century also helped to revive established but dormant minority movements, and new minorities formed because of mass-emigration and the creation of artificial borders after the two World Wars.

Only 9 per cent of the world's states are totally ethnically homogeneous (Blaauw, 1986 : 3). Conflict between majorities and minorities occur on political, economical and social levels and is a global phenomenon. The notion of equating democracy with majority-rule has become an outdated concept in progressive heterogenous societies.

Plural societies and the conflict they inevitably produce, seem to be the product of the irreversible movements of mankind. The existence of minorities and their aspirations are accepted as a fact of political life in most democratic states with legitimate governments. In most cases such states have tried to solve political, social, economical and legal problems created by heterogeneity by the recognition and acceptance of legitimate minority rights in other words, through the acceptance of communalism.

Since there are so many states in the world with one or several minority groups, a variety of policies have been formulated and experimented with in an effort to reduce conflict levels, and yet no single formula has so far been completely successful. Switzerland can probably be regarded as the plural society with the lowest level of conflict, but unfortunately not all plural states have the same historical traditions, centuries of peace and stability and the particular ethnic composition that Switzerland has (although even Switzerland experienced ethnic conflict as recently as 1983, when the French-speaking region of Jura seceded from a canton dominated by German-speakers).

The search for a solution to the problems facing plural societies is continuing, and is bound to become more urgent as more long-dormant minorities become more prominent, e.g. the Corsicans and Basques in France, the Muslims and Armenians in the USSR and others. According to Alvin Toffler, a general breakup of nations and a transfer of power to regions and groups is occurring at present, caused by the disintegration of the modern society of the industrial era. Toffler claims that minority rights will become a crucial aspect of future politics as nations try to accommodate the aspirations of more and more groups inside their boundaries. Toffler wrote his book, *The Third Wave*, in 1983, and by 1987 this process has accelerated. One only has to consult the international media to note what a disproportionately large section of the news is being taken up by ethnic and minority strife. Not a day went by in 1987 without ethnic-inspired violence in Sri Lanka, Northern Ireland, Lebanon, Israel and South Africa, to name but a few.

Toffler (1987 :151) predicts that this trend will continue as more subcultures break away from the dominant values of the majority, and that even inside these minority groups themselves, a further division into smaller, self-defining mini-groups will take place - "Differences that once seemed trivial are taking on cultural and political significance." Toffler (1983 : 322) mentions several examples of minority groups which are becoming

more prominent, for example separatist movements in Corsica and Brittany (France), the Scots, Welsh and even Cornwall and Wessex in Britain, the South Tyrolese in Italy, the Basques and Catalans in Spain, the Croatians in Yugoslavia, and even the Texans and Californians in the USA (who claim that they have to subsidize poorer states in the US). Of course not all these examples are equal in intensity, but if the trend continues as at present, ethnic or group-consciousness will increase drastically in the near future.

Regardless of whether this trend towards heterogeneity, diversity and the fragmentation of national states will continue over the long run, several societies, such as South Africa, are at present forced to find a way to deal with minority issues. There is no magic formula, but some deductions can be made from the experiences of other plural societies. Drawing comparisons might prove a worthwhile exercise in an effort to find a solution for our own 'enigma', and to help us answer the following question: Do the experiences of plural societies confirm John Stuart Mill's assertion that representative democracy is virtually impossible in such societies?

CANADA

Canada is the world's second largest country in land size, with a population of 25 million of which 6 million are French-speaking. Unlike the United States, Canada has never been a melting pot, and today several sizable minorities exist, apart from the French Canadians. These include half-a-million German-speaking Canadians, a similar number of Italian Canadians, 300 000 Ukrainians, 170 000 Indians/Iniuts plus another 1,6 million people from other ethnic origins. For the purpose of this paper, I have chosen the French Canadian minority as the subject for research. This particular group has been relatively dormant for many decades, and only during recent years (the beginning of the 1960's) did they appear on the "political chessboard of religious and national minorities", according to Legendre (1980 : 4). Before looking in depth at the factors which lead to the French Canadian nationalist revival and how Canada is coping with it, some historical background needs to be highlighted.

Legendre (1980 : 5-15) divides the history of French Canada into two periods, namely the period of survival between 1760 and 1960, and the Quiet Revolution between 1960 and 1979:

The first period commenced in 1760, an era in which French

colonial rule was replaced by British rule. The French Canadians were immediately placed in a minority position in greater Canada, and a natural fear of domination caused friction, violence and uncertainty between French and English Canadians. After having to repress a rebellion by radical nationalists fighting for the secession of French Canada, Britain decided that a solution to the problem would be to unify the four provinces. This was done through the British North American Act in 1867, which at the same time guaranteed certain rights to the French-speaking minority, such as recognition of the French language in Parliament and in the courts of Justice, and the recognition of French civil law. The Constitution of 1867 was based on the 'double state theory' implying a bicultural and bilingual Canada. In reality though, francophones living outside Quebec, the major French province, were seriously disadvantaged because the linguistic resolutions of the Constitution made no mention of French Canadians outside Quebec, of which there were quite a number. According to 1971 population figures, there were approximately one million French-speaking Canadians living outside of Quebec, of which the following provinces have the highest concentrations : Nova Scotia, 27 220 (3,5%), Ontario, 352 460 (4,5%), Manitoba, 39 000 (3,9%), Alberta, 22 695 (1,3%), New Brunswick, 199 085 (31%), - (Legendre 1980 : 18). Only New Brunswick and Ontario have large and concentrated enough French

populations to resist total assimilation, according to Legendre. The extent of assimilation can be seen in the half-a-million Canadians of French origin which no longer had French as a mother-tongue in 1971. Several factors caused this anglicization process, among others the growing urbanization of former rural French Canadian communities and the growing inter-provincial movement of the population that brought the French culture in contact with the dominant English culture.

Throughout this period the French Canadians followed a policy of defensive nationalism which was primarily concerned with the survival and preservation of their existing rights and relatively comfortable position in Quebec. In this respect, the predominant role of the Catholic Church should not be underestimated. After the disturbances of 1837 - 38, the Church took control of masses in conjunction with the professional and conservative elite and with the elimination of the radicals (whose aim was total political separation of Quebec), formulated the predominant ideology of French Canada until deep into the 20th century. The essentials of this ideology according to Legendre (1980 : 7) were the Catholic faith, and the French language, culture and traditions. This may explain why the French influence remained concentrated so strongly in the province of Quebec and did not spread across Canada to any great extent - unlike the

English who used Ontario as a base from which to colonialise and spread their culture to the rest of Canada.

By the beginning of the 20th century, Canada was divided into two distinct communities with separate languages, cultures, religions, economies and territories. The French Canadians were found predominantly in rural Quebec while the English Canadians settled in the rest of Canada, as well as in the Urban centres of Quebec. By 1901, 80% of Quebec's population were of French origin, a percentage which remained constant up to today. Their share of the total Canadian population declined from 30% to 28% in 1971, (Legendre 1980 :18). When Quebec became industrialized at the turn of the century, the French speakers moved in greater numbers to the cities, and in the process underwent a major socio-economic transformation and a change in their basic values and traditions. Various groups worked hard against ideological oppression which went hand-in-hand with industrialization and the growth of federal power. These groups formed a new elite which started the 'Quiet Revolution in the 1960s'.

The second period, called the Quiet Revolution (1960-1979), was marked by the emergence of neo-nationalism amongst the French Canadians. The neo-nationalist movement was led by an elite consisting of former Catholic action movement militants, young engineers, social science and business

graduates, and their strategy envisaged a change from the rural vision of French Canada to an industrial vision which welcomed socio-economic development (Legendre 1980 : 9).

According to this new vision, the provincial government became a partner in areas of the reconstruction process, such as education and welfare, which used to be controlled by the Catholic Church before. New terminology developed - the French Canadian society became a "Quebecois" society. The Quebec state government started playing a more visible and stronger role in the federal system, challenging the Federal government occasionally. It also made a bid for international status by establishing independent cultural and commercial links with European states, especially France. In this field, Quebec received much support from the French President, De Gaulle, who made his famous remark "Long live a free Quebec" in the sixties while visiting Canada, giving a boost to the Quiet Revolution. De Gaulle's speech caused havoc in relations between the Canadian Government and France which viewed it as French interference into Canada's domestic affairs.

The Quiet Revolution also drew support from the working class which benefitted by new labour laws and unionization in public sectors. There was also an explosion in the French Canadian artistic and literary life, with the development of the mass media during this period.

Everywhere in Quebec people became more aware of their national identity, and the French language strengthened its position in a country and a continent dominated by the English language. Before the series of constitutional reforms initiated by the Quiet Revolution in 1960, federal measures did not support the French-speakers to a great extent. The Federal government often refused to disavow legislation which were harmful to French-Canada's interests, while the constitution never mentioned language, only religion, as a political deterrent. Furthermore, several actions were taken against the expressed will of the French Canadians, e.g. imposition of military conscription in 1917 and 1942 (Legendre 1980 : 8).

In 1976 the Parti Quebecois, whose aim was to make Quebec a sovereign state, came to power in Quebec. A few months later the new ruling party made French the official language of Quebec, thereby making French the language of industry, business, labour relations, bureaucracy and education. There was a strong reaction to this measure from the English minority in Quebec, which constituted about 10% of the population of 6,4 million, and was now being made to feel the pressures of being members of a minority group. Much antagonism developed, and at this point conflict between group and individual rights developed. The English Canadians placed stress on individual rights in a liberal and democratic state, while

the French Canadians emphasized the priority of collective communal rights over individual rights. The Francophones, being a minority themselves in Canada, utilized the principles of communalism in greater Canada but followed an individualistic policy in their own province which seriously disadvantaged the individual rights of the English-speaking minority in that province.

Up to 1969 the Quebec government played a passive role in the language question and with regard to education for example, parents still had the freedom of choice over which language to have their children educated in. By 1974 a new law, titled Bill 22, changed all this; French was made the official language in Quebec and the freedom of choice regarding language of education was limited for the first time, according to Legendre (1980 : 13). A new law, Bill 101 was introduced in 1977 which restricted the use of English-medium schools even further by laying down strict conditions which have to be met before children could attend English schools. Smiley (1981 : 24) mentions the most important of these : Parents of such children had to have received their elementary education in English in Quebec; children who already were receiving education in English at the time the Act went into effect. What it basically meant was that from 1977 onwards the freedom of choice of language of education that English-speaking residents of Quebec had, became very limited.

It is difficult to judge the morality of this (reverse discrimination) policy, but one cannot but wonder if the same objectives could not have been reached at a lesser socio-economic cost, because it resulted in the flight of English-Canadian and American capital, manpower and business out of Quebec. The nations largest insurance firm, Sun Life Assurance Company of Canada, was the first major company to leave Quebec, citing language as the reason for its departure in 1978. Many more followed.

Although the official policy of Parti Quebecois was the creation of a sovereign Quebec, only a small section of the people in Quebec wanted total independence from Canada; most merely wanted greater autonomy with respect to language, education, culture and economic matters. In 1979 public opinion polls in Quebec indicated that the majority of people still rejected independence, (Pinard 1980). In 1981 the Parti Quebecois was re-elected by a wide margin when it chose not to make separation a major issue.

It is a fact that Canada's pluralistic nature has been taken into consideration when most of Canada's constitutional devices were formulated. The French Canadians, despite being a minority, have resisted the forces of assimilation into the dominant anglophone society which controlled most of the important social, economic and political institutions. Quebec received much support from the federal nature of Canada's constitution which gave Quebec virtually complete autonomy over its language,

religion, civil law, and education policy. The bicameral parliament in which the Upper House is supposed to balance the power of the First Chamber / Commons, has in the case of Canada, not fulfilled its intended role. The reason being that the Canadian Parliamentary cabinet system makes the cabinet only responsible to the Commons, and therefore undermines the Upper House's role of protecting provincial governments such as Quebec (Watts 1975 : 64). This is one of the reasons why the Federal government interfered to greater extent into the local affairs of Quebec such as housing and education and why Quebec viewed the 1982 Constitution, especially the Charter of Rights, as a direct challenge to its legislative autonomy. The Federal government in Ottawa has also made continued efforts to increase its authority in Quebec and a deliberate immigration policy was followed which gave preference to immigrants from countries with the greatest linguistic and cultural ties with Canada's English-speaking community.

Regardless of all the above-mentioned harassment experienced by the French Canadians, the federal system did manage to protect them from ultimate domination with regard to matters closely linked to their survival and even prevented total assimilation into English-speaking Canada.

The question often asked is : what prevented the Francophones from losing their separate identity? Was it

just because of their relatively large and highly-concentrated population or was there more to it? Legendre (1980 : 4) seems to think so. He reasons that it was not only the French language and culture which helped French Canada to keep its separate identity, but that it was also helped by a "...conception of the whole world, a system of values, of institutions, a social organization and the techniques themselves which are characteristic of these people and in which they want to be distinct." He argues that rather than just linguistic pluralism, Canada has to put up with a pluralism of collective objectives which the state finds more difficult to reconcile. He concludes by saying that the French Canadian minority question is one of "...a nation state in which a subculture undergoing discrimination, or living in a minority situation, becomes strong enough to assert itself positively as another entity and demands that the rest of the society recognizes it as such"

The French Canadians, in my view, have achieved a relatively powerful position in Canada: Firstly, by escaping assimilation into the dominant English-speaking community for centuries and prevented Canada from becoming a melting pot like its southern neighbour. In other words, they managed to survive as an ethnic group. Secondly, they achieved a high degree of autonomy in their own

geographic area. The French Canadians have furthermore managed to protect their culture by the attainment of dual language rights, by control over education and today they have the power to influence the political balance in Canada. Pierre Trudeau, the former Canadian Prime Minister, made the following claim in this regard: "In terms of realpolitik, French and English are equal in Canada because each of these linguistic groups has the power to break the country." (Slabbert and Welsh, 1979 : 40).

The role of the Parti Quebecois should not be underestimated either. According to Rene Levesque (1979 : 11) his party stood for the attainment of power to be able to make laws, levy taxes, to have a sovereign National Assembly and to have independent foreign relations, but at the same time to have close economic ties with the rest of Canada. Levesque preferred to speak of sovereignty-association instead of independence and separatism, regarding the latter two concepts as too negative. Yet he wanted, apart from complete internal autonomy for Quebec, also separate defence arrangements, separate foreign relations and a seat in the United Nations and Commonwealth. It seems that Levesque wanted the best of both worlds, namely political independence on the one hand, but on the other hand, the advantages of economic inter-dependence with Canada. Or perhaps he was just trying to soothe the Quebecois who were worried about the negative and unknown implications of almost total

'independence', and who might just have voted against him in the coming referendum.

Public opinion research has shown that in 1977, 45% of French speakers considered themselves French-Canadians, and 41% considered themselves Quebecers (Davison and Gordenker, 1980). This result proved that a majority of French Canadians, like many minorities worldwide, which are struggling for greater self-determination, still feel some loyalty to greater Canada and to other groups sharing that country. It therefore came as no surprise that (against the expectations of the Parti Quebecois) during the 1980 Referendum on an independent Quebec, 60% of the French Canadians voted No and forced the Parti Quebecois to change its tactics by lessening their demands for independence and opted instead for merely greater autonomy.

In the early 1960's, the forces behind Quebec's independence movement became even more disorganized and it seemed to have lost momentum, as the Parti Quebecois' popularity reached a new low. At this point it seemed as if Adam and Moodley's contention that Quebec nationalism tends to decline if it impedes economic progress, would be proven accurate. (i.e. that economic factors would make Canadian society more common and Quebec nationalism less visible). Yet in 1982 Quebec refused to sign the constitutional amendment, which included a Charter of

Rights which included an amending formula. Before agreeing to the new constitution, Quebec insisted on several conditions, which included: the explicit recognition of Quebec as a distinct society, a veto over future constitutional change and additional provincial powers in several areas. When the Supreme Court of Canada ruled that the constitution also applied to Quebec, the province refused to participate in any further constitutional conferences and from then on, virtually two Canadas existed, according to the Prime Minister, Mulroney : "... those Canadians who accepted the constitution and those who had been left out " (Maclean's, June 1987)

When Mulroney came to power in 1984, he made it a top priority to secure Quebec's full participation in a new constitution, even at the expense of the loss of some federal power. Finally in June 1987, an agreement was reached which recognized most of Quebec's demands, especially those insisting that the province constitutes a distinct society and that the role of the Quebec government should promote and preserve the distinct identity of Quebec.

There were quite serious differences between the Premiers of the eleven provinces before the accord was signed, for example the demand by Quebec to be a distinct society and to have certain spending power agreements entrenched,

caused much dissatisfaction among some of the Premiers. Some provinces, like Alberta, did not want to give Quebec any special status which would give it different rights to the rest of the provinces, and others, like Ontario, was always in favour of a strong centralized government.

In the end, consensus was reached, and the new constitution made Canada in 1987 "...the most decentralized government on earth", and could make the country more difficult to govern", according to Desmond Morton of the University of Toronto (Maclean's June 1983). On the positive side, Canada's largest ethnic minority received the permanent constitutional recognition of their rights, and, to quote Mulroney, "...the amendments are very much in our Canadian Constitutional tradition of balancing collective rights with individual rights".

The specific provisions of the 1987 agreement were the following :

The provinces will have a say in appointing Supreme Court judges and senators.

Future changes to federal institutions, or granting provincial status to territories, will require agreement by Ottawa and all provinces.

Provinces can opt out of new national programs and receive money from Ottawa for their own programs if they meet national objectives.

Quebec is recognized as a "distinct society" within Canada. The role of the Quebec legislature and government is to preserve and promote the distinct identity of Quebec. The agreement also stipulates that the clause does not affect the powers of Parliament or the legislatures, including any powers, rights or privileges relating to language. The agreement recognizes the existence of French-speaking Canadians centred in Quebec and also present elsewhere in Canada, but no longer the existence of "French-speaking Canada"- Merely a slight difference on wording or does it contain a deeper message warning Quebec against any further autonomy related ideals? (Maclean's Vol 100, No 24, June 1987).

Certain conclusions have been drawn from the French Canadian experience: Slabbert and Welsh for example, use the rise to power of Parti Quebecois in 1976 as proof for their claim that in the case of societies where deep ethnic cleavages exist, the prospects of inter-ethnic political parties (based on class, function or region) to succeed are very poor (1979 : 44). Furthermore, they claim that even though Canada is struggling to cope with its ethnic minority question, it has not abandoned democracy. The Canadian experience is perhaps one of the best examples which can be used to contradict Mill's assumption that democracy is not possible in plural societies.

Quebec is a fine example of where the principles of federalism have been applied to ensure that territorial dividing lines largely coincide with ethnic boundaries, ensuring that the minority Quebecois remain a majority in their own territory. Majoritarianism in its purest form has been avoided, and many of the principles of consociationalism and communalism have been applied to ensure sufficient minority protection, if not for all Canadian minority groups, then at least for the French Canadians.

BELGIUM

"As the nationalism of each state tends to dwindle, as each country experiences a growing need to become integrated in larger entities, so we are witnessing a corresponding revival of the regionalist views which nineteenth-century unitary policies had succeeded in stifling." - Pierre Harmel, Social Christian Prime Minister of Belgium, 1965-1966, (in LA REVUE NOUVELLE, 15 January 1964).

While there was a definite move by most European states towards integration into larger entities after 1945, such as the EEC, NATO and the Warsaw Pact, at the same time some of these states underwent a process of domestic political 'disintegration' as the need of certain sections of their populations for regional autonomy became more apparent. The

Walloons and Flemings of Belgium were no exception.

In 1970, after decades of ethnic conflict and turmoil, Belgium implemented constitutional reform which provided for decentralization of the administration and the granting of cultural autonomy for the Flemings, Walloons and Germans - a move which indicated a change towards a high degree of communalism. Before discussing this change and the consequences thereof, some background to the origin and nature of ethnic conflict in Belgium is necessary.

Modern Belgium came into being after Napoleon was defeated at Waterloo in Belgium in 1815. After this battle, Belgium was handed over to the Dutch by the Congress of Vienna, but a few years later the strongly Catholic Belgians rose in protest against the Dutch Calvinist King, William of Orange, and became independent in 1830. Belgium was guaranteed perpetual neutrality in 1839 by the great powers of Europe at the time.. The new status of Belgium was obtained by a 'coalition' of the Catholic clergy, the bourgeoisie of Flanders and the liberal entrepreneurial class of the French region, Wallonia. Together they formed the 'Unions of Oppositions' and approved the new Constitution. However, according to Irwing (1980 : 7), this constitution failed to achieve national unity between the Belgians and so, in spite of the larger Flemish population, the French language became the sole language

of law, politics, the bureaucracy and the army. The practical implications of his development, for example in the army, (and one must keep in mind that the Belgian army had to face up to fierce German onslaughts in both World Wars), are perfectly illustrated by the following quote from a former Flemish army sergeant : "When I was in the army more than forty years ago, the sergeant gave all his orders in French - we didn't understand, but that was army rule. He would always end with a bellow, 'And that goes for you Flemings too' ... someone could get killed that way." (Cerruki, 1979 : 324.)

In spite of the tradition of coalition and compromise that characterized Belgium since 1930, Irving (1980 : 7) claims that strong ethnic, economical, ideological, geographical and cultural differences remained. These cleavages were represented primarily by linguistic separation between Flemings and Walloons.

Throughout the history of Belgium, the Flemings were treated as an oppressed minority and as second class citizens (Van Dyke : 21). The Flemings account for approximately 5,7 million out of a Belgian population of 10 million (1982 est., The World Almanac, 1984). In spite of their numerical superiority throughout Belgian history, for most of the time they never managed to use this advantage

to gain equal status for the Flemish language. Like their Afrikaner counterparts in South Africa, the early Flemish movement was essentially literary (Irving, 1980 : 7), and did not have much clout - firstly because of backward economic conditions in Flanders and secondly because the Belgian governing elite, including those from Flanders, were mostly French-speaking. IRVING MENTIONS a third contributing factor, namely the stigma that Dutch was carrying, being the language of the 'recent' enemy - the Netherlands - resulting in a reluctance to promote Flemish, a dialect of Dutch. The situation was bad for the Flemish, being an oppressed 'minority' (although not numerically) in their own country - the only official language, education, the courts and the bureaucracy were French. Because of the fact that the Flemish part of Belgium was impoverished for the first 40 years of the country's modern existence, it resulted in class cleavages coinciding with linguistic cleavages. The Flemings were very poor and according to Irving (1980 : 7), by 1850 two-thirds of the Flemish peasantry were surviving only through charity. The governing elites were mostly French-speaking and it was quite natural that the grievances of the Flemings were mostly ignored by the French-ruling classes.

Finally, in 1896 the Dutch and Flemish languages were merged and only then was the problem facing the Flemish

tackled. Flemish now became much more used in public and in state institutions , although by 1914, the army was still mainly French-dominated and all universities were still French. The Flemish movement experienced a setback after World War One when some of its members were accused of collaborating with the occupying Germans; the same happened during and after the Second World War and in the decade after 1945, Flemish nationalism was therefore relatively subdued.

In 1954 a Flemish nationalist party, called the Volksunie, was formed, with the objective of an autonomous Flanders in a federal Belgium, but is always moved in the shadow of the three larger non-ethnic parties of Belgium, even in Flanders itself. This all changed in the 1960's when the Flemish movement started growing rapidly and Flanders increased its economic and political power to the detriment of Wallonia (Irving, 1980 : 9). New language laws were introduced in 1963 and as the Flemings won complete equality for their language, and a linguistic frontier, fixed by law and running along the geographical border, came into being. By 1958, linguistic cleavages began surpassing religions and class differences and the 1968 the Louvain-crisis precipitated the whole language problem between the Franchophones and Flemish. The transfer of the French section of the Catholic University of Louvain, brought the language problem to the foreground, and resulted in the split between the Flemish

and Franchophone wings of the Social Christian Party in 1968. Certain constitutional changes were also made between 1967 and 1971 and again between 1977 and 1978, which, according to Irving, changed the unitary structure of Belgium. Forsyth (1984 : 13) concurs ; he argues that a process of "federalising" Belgium is taking place through the large measure of territorial and communal autonomy that is given the two ethnic groups. The question to be answered is : what did these changes encompass and how do their results fit in with previously stated postulations with regard to minority rights and communalism?

Between 1967 and 1973 the Third Revision of the Constitution was implemented with the following consequences: Belgium was divided into four linguistic regions, namely, separate Dutch- and French-speaking regions, a bilingual Brussels and a small German language region; three separate Cultural Councils were formed to control the cultural affairs of the two main cultural groups, the Flemings and the Walloons, as well as for the German group. These revisions of the constitution recognized the special rights of the different cultural communities and at the same time, legislative powers were given to the two major language groups in their respective regions of Wallonia and Flanders. The cultural councils deal with legislation regarding cultural, educational and linguistic matters. Sigler (1983 : 116) regards this

representational arrangement of linguistic groups as a strong inclination towards consociationalism. In this respect he is supported by Lijphart (1980 : 60) who also sees Belgium as a semi-federal consociational democracy. A further change in the 1967-1971 constitution was the new requirement that the Cabinet must be comprised of an equal number of French- and Flemish-speaking members. In 1971 a further act was passed which defined the powers and structure of the linguistic groups in greater detail to include the following areas: language, arts, national heritage, radio and television, youth policy, education, leisure facilities and travel. In the clearly defined linguistic-geographical border between the Flemish- and French-speaking groups, the bilingual Brussels remained an anomaly, a stumbling block to a final constitutional solution. The French speakers of Brussels wanted full regional status for the city in which they were a majority even though it was part of greater Flanders. The Flemish in contrast, wanted to prevent Brussels from becoming a second 'official' French-speaking region, compared to the one of the Flemish.

In 1977 to 1978 a four-party coalition government agreed to the "Pacte Communautaire", which gave Brussels regional status similar to that of Flanders and Wallonia. A provision was that the regional executive of Brussels would have half the numbers of the executives of Flanders and

Wallonia. Another provision of the Pacte Communautaire was the formal division of government into five levels ;

The National Parliament dealing with matters such as foreign affairs, defence, fiscal and micro-economic and justice. The powers of the Senate were reduced and would concentrate only on regional and constitutional matters, which left the House of Representatives (Chamber) as the main legislative body. The Cabinet comprises an equal number of French-speaking and Flemish members, which do not have to be members of the legislature.

Regional Councils which actually are regional parliaments with their own executive dealing with regional matters, but not fiscally very autonomous.

Community Councils dealing with culture, education and health (i.e. the former Cultural Councils).

Provinces.

Communes. An Arbitration Court was formed to deal with disputes between these five levels of government. (Irving 1980 : 12).

According to Senelle (1978 :5), the goal of these constitutional reforms was to bring harmony to the relations between the linguistic communities and to formulate a system which would prevent either of the two communities from unilaterally forcing its will on the other. This entails the acceptance of the fact that

cultural federalism has developed in Belgium and that a permanent language boundary is dividing the country into two separate and distinct cultural regions. The motivation behind the Flemish-speaking people's push for reform is that they wanted to play their rightful part in public affairs and to enable them to promote not only their cultural rights, but also to improve their economic and social conditions. The Walloons wanted to ensure that their numerical inferiority did not lead to their subjection to the Flemish majority. To ensure that these goals could be obtained, the already-mentioned constitutional reforms were implemented with the result clearly indicating a determined move towards communalism and the recognition of group rights.

The Constitutional changes between 1960 and 1980 had a considerable effect on the Belgian Party system. Traditionally, Belgium was divided among three groups, the Catholics, Liberals and Socialists. Each were constructed as 'worlds' and were based on ideological conceptions and cultural traditions and operated in a wide spectrum of activities including education, healthcare, social security, mass media, socio-economic interests and most importantly, political parties. (Gerard-Libois and Mabilie, 1980 : 130). These parties shared power through a series of coalition governments, until the mid-1960s', when they began splitting along cultural-linguistic lines, resulting in at least nine major parties.

Two factors gave rise to this split, the first being new linguistic legislation of 1962-63 and the second the Louvain crisis. The Liberal Party experienced a transformation and the Social Christian and Socialist Parties suffered setbacks in 1965. Community Parties such as the Rassemblement Wallon and the Volksunie reached new highs of 11% and 19% respectively, of votes in Wallonia and Flanders. (Gerard-Libois and Mabilie 1980 : 134).

Between 1971 and 1980 political parties experienced even more fragmentation, increasing linguistic homogeneity and a greater interplay of coalitions. By 1978 the number of parties have grown to 13 and by 1980 six combinations of governmental coalition have been tried out, which often included the community parties. This trend received a boost from the "Pacte Communautaire", (1977-78) which gave Brussels regional status similar to that of Flanders and Wallonia.

Van Dyke (1983 : 13) mentions the following characteristics of the Belgian shift towards communalism: Firstly, the degree of regional autonomy to the ethnic groups through geographical subdivisions along ethnic lines. Secondly, the acceptance of proportional representation in Belgium after 1945. Thirdly, government (federal) offices and positions are divided equally between the two groups. Fourthly, either parliamentary delegation has the veto right

to prevent changes in linguistic boundary lines.

Forsyth (1984 : 12) adds to the above communal characteristics of Belgium the concept of a grand coalition, referring to the fact that the country has been mostly governed by party coalition during the twentieth century, and he comes to the conclusion that Belgium is a classic consociational democracy. (The four 'requirements' being a grand coalition, a mutual veto, proportionality and segmental autonomy). Forsyth claims that in the past the three main political parties in Belgium served as a mechanism for integrating the two ethnic groups because they were bi-ethnic and reflected mainly ideological and religious conflicts. During the past few years however, ethnic differences caused the three major ideological parties to broke up into six ethnically-based parties, concerned with ethnic, cultural and linguistic conflict (Forsyth, 1984 :13).

Lijphart (1980 : 4 - 8) gives a summary of how the Belgian constitution is operating along consociational lines:

The Belgian Executives adhere to the principle of power-sharing through grand coalitions. Regardless of party representation, the Cabinet must consist of equal numbers of French- and Dutch-speakers. Since 1954 all cabinets have been coalitions of two or more parties. Belgian Executives have a balanced relationship with the legislative which result in a semi-seperation of

power and a situation where trade-offs are important.

Belgian bicameralism allows two Houses in Parliament, but the "Pacte Communautaire" (1977-78) reduced the power of the Senate and left the House of Representatives as the main legislative body.

The Multiparty system of Belgium is characterized by the presence of at least 9 major parties. These are the end-result of a split-up of the three traditional parties.

Both the Belgian Houses in Parliament are elected by proportional representation, a system whose basic aim is to give parties the number of seats in accordance with the number of votes received. Proportional representation was first introduced in 1899 when universal suffrage threatened to destroy the Liberal Party's parliamentary representation under a winner-takes-all system.

The Belgian society is divided along three traditional lines of cleavage, which are reflected in the multidimensional character of the party system. Religious differences divide the Christian People's and Christian Social Parties (practicing Catholics) from the Socialists and Liberals (non-practicing Catholic). The latter two parties are divided by socio-economic cleavages, while all three traditional parties have divided into community parties based on linguistic differences, i.e. French and Flemish..

Belgium is divided into three autonomous regions along

the territorial federal pattern, (Flanders, Wallonia and Brussels), each of whom have strong autonomous power. There is also an element of corporate federalism, which is non-territorial - the Cultural Council's authority reaches all members of that cultural group irrespective of territorial boundaries. Apart from the 2/3 majority needed in both Houses to change the Belgian constitution, the two linguistic groups also have a veto over legislation affecting their cultural autonomy.

Belgium has definitely transcended a former unitary system and individualistic approach and is now heading comfortably towards communalism in a system of consociational democracy. According to Lijphart (1980 : 72), Belgium is experimenting with a combination of territorial federalism, dealing with the two cultural groups which are not territorially defined, and corporate federalism, to deal with the non-territorial ethnicity in Brussels."

SWITZERLAND

Switzerland is a small country with a heterogeneous population of six-and-a-half million, consisting of three

major ethnic groups and four national languages. Despite its scarce natural resources and ethnic diversity, the country has prospered into one of the wealthiest in the world, with very little social or ethnic conflict.

The Swiss canton system provides a good example of how a federal system can accommodate diverse ethnic minorities by following a communal approach. By allowing autonomy at the regional level, matters of local concern are left to citizens of that region alone. Central government is decentralized to a major extent and the rights of individuals and states are entrenched in the constitution. Further principles of Swiss communalism include a system of checks and balances through the Second House in Parliament, proportional representation of all political parties and language groups in the executive and finally, form of veto, through direct popular initiatives against an unpopular law or measure taken by the central government. Switzerland is often regarded as the most perfect example of consociationalism and of asymmetrical federalism.

The reason for Switzerland's success can be found in its political system and in the socio-economic consequences of that system. It is based on co-operation - of the people with each other within the communes, of the communes within the cantons and the cantons with the confederation. It recognizes the heterogeneity of its population, which is

divided into German (65%), French (18%), Italian (10%) and a small Rhaeto-Romanish group (1%). A diversity of languages, cultures, traditions, and religions co-exist and the Swiss federal system ensures that there is neither majority nor minority domination. It is a system which may be summarized as a one man, many votes system, since citizens cast their votes at several political levels. This system also prevents one political party from imposing its will on the whole country.

Welsh and Slabbert concur : "In the Swiss case, majoritarianism is avoided and instead the principle of amicable agreement underlies the decision-making process in the political system (1979 : 146). The Swiss federal system had its origins in the 13th century after a period of violent conflict at domestic level and against foreign foes. It took 700 years to refine the system so that it would accommodate the diversity of the Swiss people and to give them a constitution that represents the democratic model closely than in any other country (Louw and Kendall, 1986:126).

According to Steiner(1974 : 252), the Swiss constitution is a system of amicable agreement rather than majority rule. He mentions a build-in restraint that is present in the political system and regards the cross-cutting of

political parties with other groups as the reason for the political stability in Switzerland - this prevent them from differing strongly in their demands on the political system. Steiner also claims that the Swiss example has proven his hypothesis correct : "In a political system with strong subcultural segmentation, the more often political decisions are made by amicable agreement, the more probable is a low level of intersubcultural hostility" (1974 : 252).

Slabbert and Welsh agrees in principle with Steiner's thesis and add that all or most of the politically salient groups should be represented in the executive. They find support in Smock : "Only when a system that gives the constituent groups a believe that they are equitably represented in the central decision-making organs can be devised, has the most fundamental issue been resolved" (Slabbert and Welsh, 1979 : 147). In this respect Switzerland seemed to have succeeded greatly.

The 1848 Swiss constitution's essential feature was that the unity of the Helvetic State could only be realized by respecting the autonomy and individuality of its member states, which today numbers 26 Cantons and half-Cantons. These have much political and administrative freedom and

each have its own constitution and make its own laws.

The duties of the Federal government (the Confederation) are strictly defined by the Constitution which include internal and external security, diplomatic relations, customs, monetary controls, post and telecommunications and among others. In many areas the government merely legislates and observes, leaving it to the Cantons to carry out the legislation.

The Federal state consists of the people, the Cantons, the Federal Assembly, the Federal Council and the Federal Tribunal. Government at federal and cantonal level takes the form of a direct democracy.

Individual rights are guaranteed by the constitution and are upheld by the Federal Court against arbitrary measures taken by the state. All citizens are equal before the law and enjoy the following freedoms : freedom of trade and industry, freedom of choice of domicile, freedom of the press, the right to private property and the rights of association and of petition. All citizens are allowed to vote, with the exception of women in some Cantons, and to take an active and direct role in legislative and constitutional matters in an unique Swiss way :

Any citizen can propose a partial or complete modification of the constitution by getting 100 000

people to sign his petition in what is called the right of initiative, to which the Federal parliament can answer with a counter-proposal and a vote is then taken on both proposals.

The Referendum is a different method by which the people have a say in constitutional changes. The Obligatory Referendum is used in this way on federal and cantonal levels. The Optional Referendum refers to the people's right to have a say in any Federal legislation or decree. It requires 50 000 voters signatures or the support of 8 Cantons.

The Swiss government operates not from the top down, but from the bottom up. The Swiss citizen belongs firstly to his Commune, a unit small enough for the exercise of direct democracy. There are 3 020 Communes, each run by a local authority, with rights and duties laid down by the Canton of which they are part of. Their authority covers areas such as schools, energy, traffic regulation, roads, fire services, social care, sport and refuse collection.

The Communes have a high degree of independence and autonomy and are run by a Commune Assembly or parliament. By electing their own representatives directly and by exercising their rights to initiatives and referenda, the citizens run their own affairs and enjoy a very direct form of democracy.

The Canton is a small and manageable autonomous political unit, which governs the middle area between Commune and Confederation. Areas over which the Cantons extend their influence include the Interior, Justice and Police, Military, Finance, Economy, Health and Social Services, Education and Public Works. The Cantons are funded by direct taxation.

The size of a Canton varies from the size of a city e.g. Zurich with a population of 1,1 million, to Uri, which has a population of only 33 000. Zurich sends 35 deputies to the National Council and Uri only one, but both send two representatives each to the Council of States, a system which protects smaller Cantons against complete domination by larger ones, since all laws have to be approved by both Houses.

There are 26 autonomous Cantons and half Cantons, of which 19 are German, 6 are French, and 1 is Italian. In almost all of these Cantons, the largest single ethnic group accounts for more than 80% of the population in each Canton (Lijphart, 1980 : 58). Out of the 19 German Cantons, 18 have a majority of about 90% German-speakers and in the French region, the average French majority comes to about 70% of each Canton. It is therefore clear that a high degree of territorial segregation between the ethnic groups exists.

Each Canton has its own constitution, and laws are made in a one-chamber parliament which is normally elected by proportional representation and consists out of between 51 and 200 members. Apart from the Cantonal Council, the voters also elect an executive body of 5 to 9 members.

At the national level, legislative power is vested in the Federal Assembly, which consists firstly out of the National Council which represents the people. It has 200 members, elected on the basis of proportional representation. In the case of a Canton with only one representative, a simple majority system is used. Each Canton or half-Canton has at least one member. The President of the National Council has the highest post in the Confederation in terms of protocol.

The Council of States, secondly, has 46 members, and Cantons are represented here equally, with two members per Canton and one member per half Canton. Most members are elected by ballot for four years.

The above two bodies hold four meetings annually, each lasting three weeks. Both have equal status and each bill has to be approved by both. Differences have to be settled by compromise and trade-offs. The two houses meet together at least once a year to elect the Federal Council and its President and Vice-President, the Federal Chancellor and

the Federal Court. The Federal Assembly also has to pass federal laws and ratify treaties.

Executive authority is vested in the Federal Council which consists of seven members, each presiding over a Federal Department. Each member is elected individually for a four-year term by the Federal Assembly's joint sitting. The Council ensures that current laws are observed, drafts new legislation, conducts foreign affairs and authorizes the mobilization of troops. The members take collective responsibility for decisions.

One of the Federal Councillors is elected each year for the post of Federal President. He chairs the meetings, but has little other extra duties or privileges. He can be elected from any ethnic group.

The composition of the Federal Council is of special interest since Switzerland has many political parties and three major ethnic groups. The present composition ensures that all four major political parties are represented. The "magic" formula ensures that the Radical-Democratic and the Social-Democratic Parties each have two seats, while the Swiss Peoples' Party has one seat, resulting in a 2:2:2:1 proportion. No Canton can have more than one Federal Councillor in the Council and the three largest Cantons have regularly been represented in the Council since 1848.

The election of a Federal Councillor is the result of complex 'political chemistry' and a delicate and subtle balance has to be struck in terms of language, denomination, regional and political considerations. In the words of Kummerly and Frey (1985 : 41) : "The Council has a great measure of autonomy. It is not directly responsible to the legislature for its actions, and the Council does not lose office (as would the Cabinet in Britain) just because one of its policies has been defeated in the legislature. A chief function of this close-knit, seven-man executive is conciliation and co-ordination."

The Federal administration is divided into the following departments: Foreign Affairs, Finance, Customs, Justice and Police, Economy, Transport and Power and the Interior.

The Federal Court is based in Lausanne and it is the supreme arbiter of justice. It is the highest court of appeal, and acts according to its Constitutionally defined powers. It lays down definitive interpretation of the law as a guide-line for the whole country and acts as a State Tribunal when conflict arises between Cantons or between Cantons and the Confederation. The Federal Court also upholds the Constitution and protects the constitutional rights of citizens against arbitrary measures taken by the authorities. It has, however, no powers for testing the constitutionality of federal law.

The country's seven national political parties are all equally moderate in most respects. There is no incentive for hard-fought, winner-takes-all political campaigning at national level because all major political issues are essentially localized to Cantonal and Communal levels. Freedom of movement of goods, capital and people between Cantons is entrenched in the Constitution and therefore, any extremist policies from the ruling party in one Canton will result in its residents moving away to another Canton. According to Welsh and Slabbert (1988 : 55), linguistic issues are always subordinate to religious, class and economic issues in the Swiss political party context. Political parties are not based on ethnic/cultural lines, but cut across these divisions to concentrate on religious and socio-economic factors.

According to Lijphart (1980 : 59), the Swiss formula for the management of linguistic diversity consists of a high degree of homogeneity in the units of the federation created by territorial segregation of the ethnic segments, and the assignment of these cultural functions to local (Cantonal) levels, rather than to a federal level. His conclusion is that Switzerland is an example of how a plural society can operate successfully on federal lines if it uses an asymmetrical rather than symmetrical model of federalism. The former referring to mutually

reenforcing federal and segmental boundaries rather than the cross cutting boundaries. In the case of Switzerland, the different segments of the plural population are by-and-large neatly divided into territorial areas and Cantons in those areas reflect a high degree of homogeneity. The homogeneity of the cantons lead to distinct lines of cleavage and high internal cohesion, according to Lijphart. He argues that clear boundaries between subcultures limit mutual contact and consequently reduce the chances that potential antagonisms may erupt into actual hostility.

This is in total contradiction to the thesis of Steiner. He proposes that there are no distinct lines of cleavages in the Swiss society and that all major cleavages in the Swiss political system crosscut one another. According to Steiner, with the exeption if trade unions, all other groups such as political parties, economic interest groups, voluntary associations, newspapers and even religion follow cross-cutting patterns. All these groups overlap with the formal decision-makers on federal, cantonal, and local levels. There is even a strong overlap between government and oposition parties, to such an extend that there are no distinct cleavage between them. (Steiner 1974 : 255).

For support of his proposition that Swiss cantonal,

linguistic, religious, and party lines are intertwined and that the constant interactions these subcultures on a mass level result in a low level of intersubcultural conflict, Steiner uses a corresponding argument by Lipset : Lipset argues that federal units should not coincide with segmental boundaries - "Democracy needs cleavage within linguistic or religious groups, not between them"

Both the above views have some merit. On the one hand, Switzerland does have political parties, economic interests, religious groups etc. that adhere to the cross-cutting model, but on the other hand the four ethnic groups tend to follow a pattern of territorial segregation and of largely homogeneous federal divisions.

It must be finally said that much of Switzerland's success in dealing with its plurality can be contributed to its uniqueness. The countries' stability was not conceived overnight, but is the result of 700 years of domestic conflict during which a variety of pluralistic options were experimented with, and the best one chosen. Secondly, the country managed to stay out of all the major conflict of the 20th century and so succeeded in avoiding the profound structural changes that ruptured European society during this period. Furthermore, this policy of neutrality traditionally enjoys the support of all Swiss political parties and helps to foster national unity.

CYPRUS

Having mentioned earlier that political secession is an ultimate step, taken only when all other constitutional measures have failed, we can therefore accept that the forced partition of Cyprus and the secession of the Turkish dominated North after 1975 occurred only after all other efforts by the Cypriots failed to bring peace to this deeply-divided country. Cyprus is a classic case of constitutional failure because of excessive provisions for minority rights. This is quite unique since the conflict in plural societies is more often caused by inadequate protection of group rights.

Cyprus is a small island in the Eastern-Mediterranean with a population of about 650 000, of which roughly 80% is of Greek origin, with the remaining 20% being of Turkish origin. The island was ruled for 300 years by the Ottoman Turks in spite of the fact that the people were predominantly Greek. It was finally taken over by Britain in 1878 and it became a British crown colony in 1925. Throughout the 20th century the Greek Cypriots showed an inclination for incorporation into Greece (Enosis), while the Turkish Cypriots demanded the partition of the island.

When the British replaced the Ottoman rulers in 1877, the Turkish Cypriots lost their special status, after which

the Greek Cypriots began developing more rapidly. The Turkish Cypriots saw themselves over the next few decades steadily losing ground numerically, economically and politically. Apart from existing linguistic and religious cleavages (77% Orthodox vs 18% Muslim), class differences also became a dividing factor as the economic disparities followed ethnic lines.

The Greek Cypriots claimed their improved position was a result of hard work and due to their particular social and cultural outlook on life, rather than to deliberate exploitation of the numerically inferior Turkish Cypriots (Loizos 1976 : 21). The latter took in the opposite viewpoint by claiming that the Greek Cypriots systematically exploited and impoverished them. According to Loizos the Turkish Cypriots had an average per capita income of 20% lower than that of the Greek Cypriots in 1960. Whoever should carry the blame for this disparity in wealth and development has yet to be determined, but the fact remain that the Greek Cypriots showed no inclination to share their wealth in accordance with the demands of the Turkish Cypriots. According to a Minority Group Survey on Cyprus (1976 : 9) the latter were regarded as "lazy inefficient and uncivilized " by the Greek Cypriots, who objected strongly to subsidizing the poorer Turkish Cypriots.

Cyprus became independent in 1960 and an unique constitution was formulated to accommodate and protect the minority group rights of the Turkish Cypriots. The constitution recognized the existence of the two separate groups in Cyprus by the creation of separate communal structures, separate seats in the legislature and separate voters rolls. Several other measures included: The president of Cyprus would be Greek and the vice-president Turkish; the same would apply in the House of Representatives; three out of seven cabinet ministers were to be Turkish; the civil service, army and police all consisted out of similar ratios.

Even in the larger cities, the two groups were allowed to have their own separate municipal councils. All the key provisions were made unamendable. Lijphart (1980 : 62) uses the term corporate federalism (coined by Friederich, also known as non-territorial federalism) to describe the "consociational" constitution of Cyprus. According to Lijphart, the residential patterns of the Greek and Turkish groups were so highly interspersed that regular territorial federalism was impossible (unlike in the case of the Flemings in Belgium, the French Canadians and the French and Italian minorities in Switzerland). Therefore the two ethnic groups were given autonomy and legislative powers over their separate religious, cultural, educational and personal status matters as well as a veto over matters such

as foreign affairs, security and defence. The legislature was elected by separate voters' rolls for each group and separate majorities were required to pass legislation with regard to electoral laws, taxes and duties (Slabbert and Welsh 1979 : 72). The President of Cyprus was Greek and the Vice-President Turkish and both were elected by their respective communities. In the cabinet, three ministerial posts out of seven were reserved for Turkish Cypriots. Decisions were made on the basis of a simple majority, but the President and Vice-President both had a veto over foreign affairs and defence. According to the Minority Rights Survey (1976:8), 30% of the seats in the House of Representatives, 40% of the posts in the army and 30% in the civil service and police were reserved for Turkish Cypriots. Seen in the light of their actual population size (20%), these were very generous concessions and along with the reserved cabinet posts (42%) represented a strong degree of over-representation, especially seen in the light of the relatively weak socio-economic position the Greek Cypriots found themselves in. In fairness, it must be added that the Turkish Cypriots were already strongly represented in the police and military. Furthermore, each community was also allowed to have its own municipal councils in the 5 biggest cities. The Supreme Constitutional Court, on which both groups had representation, was the final arbiter in constitutional matters.

The result of the statistical over-representation of the Turkish Cypriots in the constitution was that the latter enjoyed guaranteed participation in the government of Cyprus to such a degree which was proportionally far above their actual population size (40% representation versus 18% actual population). As a consequence, the Greeks continually tried to strengthen their position at the expense of the over-represented Turks, while of course the latter used their veto powers to block any such moves, resulting in a constitutional deadlock (Sigler, 1983 : 113). Arguments between the two groups continued non-stop, covering virtually all spheres of activity. Slabbert and Welsh (1979 : 73) mentions some of the specific problem areas as the composition of the army and the civil service, tax laws and the establishment of separate municipalities and especially the subsidizing of the poorer Turkish Cypriots by their more prosperous Greek counterparts.

With regard to the civil service fixed ratios, the Greek Cypriots claimed the Turkish Cypriots did not have enough qualified people to fill these positions, while the latter were determined to maintain their quota. According to the Minority Rights Survey (1976 : 9), every effort to compromise was shot down by one of the groups. Finally, in 1963, the President, Makarios, made a proposal to drastically change the constitution, especially with regard to the fixed ratios of civil service appointments. The

Vice-President, Kuchuk, vetoed these, and the constitution broke down.

A combination of factors led to the eventual failure of the 1960 Cyprus constitution: The very complicated nature and the unworkability of the constitution was the result of over-ambitious efforts to avoid majority domination by the Greek Cypriots. Palley (1978 :17) sees the demand by the Turks for over-generous calculation of "communal proportionality" as the major stumbling block. Slabbert and Welsh (1981 : 73) give as reasons the alienation of the Greek majority by the over-representation of the Turkish minority, the low level of cooperation between the leaders of the two groups and the practical unworkability of the constitution. They then ask the very relevant question: "...whether formal abridgements of majoritarian power will not do more to alienate the majority than provide security of the minority?" Sigler (1983 : 113) agrees by suggesting that the extensive grants of minority rights caused severe instability in Cyprus and adds to this the opinion that the ethnic groups lacked the sense of nationhood and loyalty to a single state. Loizos (1977) claims that the incompetence of the two groups and the interference from Turkey and Greece also helped to cause the downfall of the Cyprus Republic.

The constitutional crisis worsened and turned the country towards violent conflict. In 1963, intercommunal fighting

broke out, and in 1965 the Turkish Cypriot vice-president pronounced the Republic "dead " and for the next ten years the two communities settled down to separate lives in a state of dormant hostility. In 1974 the ruling Greek Junta staged a coup and shortly thereafter Turkey invaded the island and occupied the northern 40%. A massive population transfer occurred in that 200 000 Greek Cypriots fled south. It resulted in two more homogeneous areas and allowed the northern part to be proclaimed into a Turkish-Cypriot Federated State (Sigler, 1983 : 113).

Today the border is heavily fortified and the conflict is far from resolved. Possible solutions include a double 'Enosis', ie the Turkish Cyprus becoming a part of Turkey and the rest of Cyprus becoming part of Greece; or a possible re-unification of the two parts into a geographical federation (this time territorially-based as opposed to non-territorial as before); thirdly, two completely independent Cyprus states; or fourthly, the virtually impossible alternative - a unitary Cyprus in which ethnicity plays no role and everyone is firstly a Cypriot (ie. an individualistic approach).

NORTHERN IRELAND

Several distinct peoples can be identified in the United Kingdom and Ireland. Apart from the Irish which gained independence in 1921 after a long struggle, groups such as the Scots, Welsh and smaller groups from Cornwall and the Isle of Man can be identified as being of separate ethnic origin as the English. The distinct languages, cultures, economic development and history found in these regions help to boost their separate ethnic consciousness. Scotland especially, which used to be an independant political entity for many centuries, experienced a strong emergence of nationalism in the 1970's - linked to the discovery of oil in the North Sea. The fact that both the Labour Party and SDP-Liberal Coalition included into their constitutions a much greater level of autonomy for Scotland, including a separate Scottish Parliament, shows the serious light in which Scottish nationalism is still being viewed in 1987 (even after it had receded considerably in the 1980's).

The biggest problem for the English however, has always been the Irish. The English occupied Ireland in the twelfth century, but never managed to complete the political assimilation of the indigenous Celtic people. In the seventeenth century, English and Scottish settlers were placed in the Northern part of Ireland, but various factors ensured a permanent hostile atmosphere between the two

groups. The indigenous Irish spoke a different language, were Catholic and had a different culture. They were driven from their land by the Protestant Settlers who were economically stronger, and had the English state behind them. By 1703 the Catholics owned less than 14% of the land (Arthur 1984 : 2). The settlers' position was only secured in 1760, after Catholics were defeated by the Protestant forces of William of Orange. Because of their great numbers, 170 000 in all, they were self-sufficient and developed their own separate economy distinct from the native Gaelic Irish and became firmly incorporated in the periphery of English politics (Arthur 1984 : 2).

Although the conflict in Northern Ireland is perceived as being primarily of a religious nature between Catholics and Protestants, Schmitt (1987 : 230) regards "profound ethnic" differences, reinforced by economic grievances, cultural hostility and centuries of political conflict, as the root of the problem. Religion is merely the vessel which carries the various cleavages between the two groups. Dickie-Clark (1976 : 55) uses Daly's argument that the Northern Irish conflict is not a religious problem, but a sectarian one, to substantiate his own claim that sectarianism, just as racism in South Africa, is highly effective to keep groups apart. Sectarianism in Northern Ireland is defined by Daly as "the assumption that one may or ought to discriminate socially, economically or

politically between groups or individuals on religious - denominational lines". It is a matter of course that the conflict in Northern Ireland is much more complex than mere religious differences.

When Ireland became independent in 1921, six predominantly Northern Protestant counties remained loyal to Britain and became the Province of Northern Ireland. Unfortunately the problem did not stop here because, instead of a homogeneous Protestant Northern Ireland, one third of its population consisted of Catholics whose loyalty remained with the Catholic South. The result of the partition of Ireland was that it gave the majority Protestants in Northern Ireland the ability to dominate the region according to their own will. They were given their own Parliament to control local affairs including most government offices, police and the judiciary. A unitary state from in the Westminster tradition was implemented which resulted in the dominance of the Protestant majority at the expense of the Catholic minority. Discrimination against the Catholics, on political and economic levels became the norm. According to Schmitt (1977 : 233) a few of the more blatant discriminatory practices which affected both government and private sector employment were : The stacking of local elections in favour of the Protestants and gerrymandering to weaken the Catholic vote. The legal system worked against the Catholics because the

judiciary was a Protestant preserve. The police, who were supposed to keep a neutral presence between the hostile groups, were exclusively Protestant - the so-called B-Specials.

The 1920 Act which was imposed in Ireland, was reluctantly accepted by Northern Ireland and produced a constitution which was virtually still-born and a legislative ruin within seven months, according to Arthur (1984 : 32). The provisions of the 1920 constitution were as follows : It created a parliament consisting of a House of Commons and a senate, the former which was to be elected by proportional representation and PR was replaced by a plurality system in 1929. By 1921, the Protestant Unionists won 40 seats out of 52, and never got less than 32. This remained the fundamental problem for the Catholic minority - the majority of Protestants always voted for the Unionist party, ie strictly along sectarian lines (and resulted in what Lijphart referred to as a majority dictatorship).

Northern Ireland's political system caused instability since the 1920's, but according to Schmitt, it was relatively minor until the mid-1960. During this period, some consociational devices were experimented with, without much success. In 1973 for example, proportional representation was introduced, but failed to make a big

impact, as the Catholics were outnumbered 2-1 and because voting patterns followed religious divisions, they had no hope of ever achieving a significant degree of power. It had the same consequences as a simple majority system (Palley, 1978). The Catholics' feeling of powerlessness became more acute as the time passed and after 1965, a turning point, violence increased dramatically. Thousands were injured in fighting between the two groups, while the IRA and the British army also increased their presence. Some further reforms of a communal nature were introduced, including the phasing out of the Protestant police, the abandonment of discriminatory electoral practices and the fair allotment of housing (Schmitt, 1977 : 238). These measures were sabotaged by extremists on both sides and specifically by the Protestant majority fearing for their dominant position in Northern Ireland. The Protestants rejected the concept of a power-sharing Executive and the Northern Ireland Assembly collapsed (Palley, 1978). Violence continued and Britain introduced a new system of direct rule in 1972, suspending the Parliament and ruling Northern Ireland by a British Cabinet minister - the so-called Secretary for Northern Ireland.

In 1973 the Protestants voted overwhelmingly to remain part of the UK, while many Catholics boycotted the referendum. The British government introduced new constitutional reforms again in 1973, once more with the accent on

consociational methods which included a power-sharing executive, proportional representation, the encouragement of the election of moderate-party candidates, and the overseeing by Britain of the appointment of neutral judges and in general, the equal treatment of all Northern Irish people. In 1973 elections were held under the new reformed constitution, with the result that mostly moderate parties were elected which managed to work out a power-sharing arrangement (Schmitt, 1977 : 241).

This newly-elected body soon made plans for the formation of a Council of Ireland, consisting of members of both Irelands. Although it would have been a weak advisory body, it certainly was a step towards unification of the Republic with Northern Ireland. This prospect scared the Protestants, and large-scale protest followed, which resulted in the failure of the new constitution in 1974. Schmitt gives several reasons for the failure: Firstly, continuing violence by both groups hardened the attitudes of the people and further polarized them. Secondly, the "international dimension of ethnicity", which refers to the fears of the Protestants of being swamped in a unified Catholic Ireland. Thirdly, he mentions that the settlement came from an external source (Britain) and not from an agreement among the relevant elites of Northern Ireland.

In the following years several attempts to reach agreements

failed, mostly because of the total rejection of power-sharing by the Protestants. In 1987 a new agreement with the Republic was reached. Through the historical Anglo-Irish Agreement, the Irish Republic will have a say for the first time in the affairs of Northern Ireland through a joint body, much along the lines of the proposed 1973 Council of Ireland. Of course, many Protestants, among them Ian Paisley, are vehemently opposing this agreement, and views the British government as "traitors".

The Northern Irish question is far from being solved in 1988. It remains one of the most burning issues in today's spectrum of ethnic conflicts. The Catholic minority, after being oppressed for centuries, is determined to change laws and politics that keep them powerless and separate from their brothers in the South. At the same time the Protestants are just as determined not to be swallowed in a united Ireland and not to give the Catholic minority an over-proportional say in government. In other words the Protestants are not prepared to make any effective changes to their majoritarian way of rule and insistence on individualism, because of an all-dominating fear. Yet, certain communal measures have been taken in the past, which did not work because of the irreconcilable nature of the maximum demands of the two sides. Power-sharing and co-operation on any level seems impossible and total lack of progress in finding a solution gives the conflict an air of intractability. The renewed cycle of violence early in 1988, brings us to the inevitable question: could a society be so deeply divided that divisions could reach a level of

permanency, and the only solution then could be physical partition? In my opinion, this is a strong possibility in Northern Ireland, i.e. to further divide the province into a homogeneous Protestant section and a Catholic section, the latter which should be free to join the Republic of Ireland. If partition is that easy it must have been given consideration, but it must be remembered that partition is the ultimate solution taken when all else has failed - no nation or majority group likes to admit that the foundation on which the state was founded (its constitution) had failed. Yet, in the case of Northern Ireland, partition seems to be the only option, rather than continuously implimenting fruitless consociational experiments, which are doomed to failure, and drags out the agony of this divided society.

SPAIN

The Basques comprise about 5% of Spain's population of 33 million and the Catalonians about 16%. Both these groups have a long history of struggling for independence from Spain. Both have their own language, cultural traditions and are highly concentrated in a specific area. The Basques reside in four northern-Spanish provinces and in three French districts which together make up the Basque homeland called Euskadi. The Catalans reside in the Spanish regions of Catalonia, Valencia, The Balearic Islands and in a small part of southern France, but the focus point

of Catalan nationalism is Catalonia, half of whose population lives in greater Barcelona.

Both these groups have a long history of autonomy and independence. The Catalans were deprived of their autonomy in 1714. Because they supported the Republican cause before and during the Civil War, they were rewarded with a few years of autonomy until the end of the war in 1939 when Franco's Nationalists took control of the country. Franco formed a strong centralized unitary state in which determined efforts were made to stamp out the Catalan and Basque culture, local nationalist parties were forbidden and regional movements severely suppressed. The Franco government was undemocratic and Fascist and an effort was made to expand Castilian hegemony over all of Spain (Tudjman, 1981 : 80). The Basques, as in the case of the Catalans, also managed to retain their national, linguistic and cultural heritage under very unfavourable conditions for many centuries, but also suffered because of Franco's obsession for creating a unitary and individualistic Spain by suppressing all vestiges of regional cultures.

The Basques' claim for autonomy is every bit as strong if not stronger than that of Catalonia. The Basques are probably one of Europe's oldest nations, with a language which has nothing in common with any of the Iberian languages like Castilian, Catalanian, Galician or

Portuguese. They have managed to remain relatively independent for large parts of long history and had to resist assimilation from both the French and Spanish. According to Tudjman (1981 : 81), the less than two million Basques not only managed to maintain their own culture despite their small numbers, but also provided Franco's unitarist policies with the most fierce resistance in all Spain.

Both Catalonia and the Basque regions were, and still are today, highly industrialized, per capita among the wealthiest in Spain and economically strong and independent. Yet for many decades they were politically controlled by Castilian-speaking bureaucrats from Madrid, and were kept subdued under the harsh rule of the Spanish national army. Both groups found this state of affairs most unsatisfactory and strong regional resistance developed against the efforts of the central government. Catalonia had stronger historical, cultural and political traditions, as well as a much larger population, with the result that their demands for autonomy were much more effective than those of the Basques, who had to resort to violence instead (Tudjman, 1981 : 79). For this purpose the ETA (Basque Homeland and Freedom organization) was founded with the aim of winning freedom through a domestic armed struggle and terrorism, including bombings, assassinations, political protests and through the dissemination of propaganda. The ETA stands for total independence and its activities often transgress the

Spanish border.

For almost 40 years Franco chose to ignore minority groups in an effort to consolidate the hegemony of Castile over the whole of Spain. This deliberate attempt to ignore the plural character of Spain was mostly unsuccessful. With Franco's death in 1975, the demand for regional autonomy in Catalonia and in the Basque provinces was still as strong as ever. The new government realized that the most viable option would be pluralism and communalism, and soon started the process of decentralization of the central state and the granting of regional autonomy.

The new constitution recognized the autonomy of Catalonia, the Basque and four other regions, but also stressed the unbreakable unity of the Spanish nation (Tudjman, 1981 : 83). Spanish was still the official language, but Catalan and the Basque language were allowed to be used officially, along with Spanish in these provinces. In Catalonia, for example, the 800-year-old governing body was restored to rule over regional affairs such as trade, primary education, industry and housing. The regions were also allowed to display their own flags.

According to Linz (1980), the Spanish state, under great domestic pressure from regional groups, had three choices: firstly, it could carry on in the same individualistic

pattern by ignoring cultural heterogeneity and by using much force to maintain stability (and suffer the resulting consequences, like international ostracism); secondly, it could allow the secession of Catalonia, the Basques and others, but at the cost of letting Spain disintegrate into about seven separate entities. By giving independence to all six regions demanding autonomy (Catalonia, the Basque Provinces, Valencia, Galicia, Aragon and the Canaries) Spain would lose about half its population, territory and wealth, which, as an alternative, was a non-starter. The third option facing the Spanish government was communalism, which being the most sensible one, was preferred. It allowed a distinct level of communalism through regional autonomy and the recognition of cultural and language rights. Unfortunately, even this big concession did not pacify the more radical elements among the Basques, which resulted in frequent violence in the form of ETA terrorist attacks and led to police and army retaliation. Even in the more peaceful Catalonia, according to Peffer (1984), Catalans frequently dispute whether their relationship with Spain is viable.

NB. Shortly after this chapter was completed, France declared the French Basque independence movement illegal (on July 16, 1987), after an extensive spate of bombings and violence in France in support of the struggle of the Spanish Basques across the border. This was the first

wave of serious political violence from the French Basques, and following the normal course of ethnic struggles today, violence will probably increase because, as proven before, oppression of minority movements only tends to increase their strength. Early in 1988 ETA made the Spanish government an offer of a conditional ceasefire, in order to get negotiations for greater autonomy under way.

THE SOVIET UNION

Events during the course of the 20th century have shown that even the Soviet Union is not immune to the world-wide upsurge in ethnic and national consciousness. Ethno-nationalism has been plaguing the Soviet Union since the times of the Russian Empire of the Tsars and is today, according to Lapidus (1987 : 73), one of the most serious problems facing the country. He bases his thesis on Zbigniew Brzezinski's prediction that the Soviet Union could well fragment into several ethnic nations within the next 20 years with each one making credible demands for independence..

The Soviet Union has a population of 270 million and in view of its ethnic composition, cannot be regarded as homogeneous. There are many diverse groups with distinctive linguistic, religious and cultural

characteristics. This is apart from distinct class differences, based on income levels, status, prestige and influence wielded, which can be found in this so-called classless society.

The country officially recognizes 110 nationalities, of which 35 have political representation (1983 : 187). The Ukrainians are the second biggest group after the Russians, with a population of 47 million (Tudjman, 1981 : 201). A further 22 groups have a population of over one million.

The USSR is the only great power today where the dominant group barely has a majority. The dominant group, the Russians, have just 53% of the total population of the Soviet Union. Yet they dominate all spheres of Soviet life to an extent which is totally out of proportion to their actual numerical strength. Apart from the Russians, the other major groups are :

- the Ukrainians and Belorussians, both of whom are of Slavic origin;

- the Muslims, who are Sunni by religion and Turkic by racial origin;

- the Georgians and Armenians;

- the Jews;

- the three Baltic nationalities - the Estonians, Latvians and Lithuanians;

- some Western European and East Asian groups of which

three million Germans are the largest group.

In pre-revolutionary times, a policy of Russification was followed by many of the Russian Tsars, in an effort to colonialize Asia and to unite the empire (Katz, 1975 : 14). When Lenin came to power in 1917, he claimed to be opposed to the Tsarist approach to minorities and he guaranteed their self-determination.

Between 1917 and 1918 Lenin's newly created Soviet political order faced a crucial test in that several of the minority groups seized the opportunity created by Russia's collapse, to break-away to proclaim independence. The Fins, Ukrainians, Georgians, Armenians, Poles, Estonians, Latvians and Lithuanians were among these, most of whom were destined to loose their independence shortly after. Only Poland, Lithuania, Latvia and Estonia remained independent until the Second World War and of these only Poland did not officially become part of the USSR. Finland was more fortunate, because she managed to maintain her independence up to this day, even surviving a full-scale Soviet military attack just after the start of World War 2. Finland's independence is slightly hampered by a process which is referred to as "Finlandization", meaning that the country's freedom with regard to foreign policy is limited because of pressure from the Soviet Union.

Shortly after Lenin established firm control over most of the non-Russian groups, the USSR was transformed into a federation by which some limited autonomy was granted to the various Soviet republics. The new regime did not interfere with the cultural, political and economical autonomy of minorities as long as followed the general policy directives of " democratic centralism ". By following this policy, Lenin contradicted the doctrine of Karl Marx, for whom minority rights in any form were unthinkable and anachronistic. According to Lapidus (1987 : 25) Lenin did actually agree with Marx that nations and nationalism were merely transitional phenomena which would eventually disappear in the classless society. However, being a skilled strategist, he used ethno-nationalism as a powerful tool to assist him in his revolutionary strategy. Although strongly centralized, the 1924 constitution adhered to some degree of autonomy, giving the republics limited autonomy in cultural affairs and the theoretical right to secede from the USSR.

Stalin changed all this - he believed in the primacy of the Russian culture, and fearing the rise of nationalism among non-Russians, he took away all vestiges of autonomy from Soviet minorities (Katz, 1975 : 14). Under Stalin, a high degree of Russification occurred once more, for example, Russian was made compulsory in all non-Russian schools, leaders of minority cultures were done away with,

and Russian officials took over most non-Russian party organization. When Stalin died, measures taken against minorities were relaxed considerably but the autonomy of groups was still seen as a threat to the unity of the state. Krushchev finally admitted that national differences would persist even after the "world-wide victories of communism" (Sigler, 1983 : 187)

Since Krushchev, Russification policies have declined in intensity, mostly because of the dissatisfaction it caused. Some minorities even received official recognition, eg The Ukraines, who formally became the second nation in the USSR and received the right of separate representation at the United Nations. In Georgia strong protest against certain Russification measures led to the public renouncement of these in 1978. Also in Armenia socialism was unable to erase nationalism and Armenian culture, a culture which is even older and more established than that of the Russians. The three Baltic states were just as resilient and have steadfastly resisted assimilation into the Russian culture. Moscow initiated a more subtle policy to strengthen control over these areas through the permanent settlement of Russians in these regions.

With regard to Soviet federalism, all Soviet constitutions (of 1924, 1936, and 1977) followed certain

federal principles in theory, such as giving limited autonomy to the republics, including the right to secede, the right to enter into foreign relations with other states, to conclude treaties and to exchange diplomats. In reality any such moves were regarded with suspicion and viewed as treason. With regard to domestic autonomy too, things were not much better. According to Lapidus (1987 : 79) the desire of the republics for greater autonomy in adapting centrally directed policies to suit local conditions often results in conflict with Moscow.

The 1977 constitution proclaims the equal rights of all citizens, regardless of race or nation, and any move to establish certain privileges on the basis of race or nationality is unlawful (Sigler, 1983 :187). Yet, the few minority rights that have been allowed in the past, seems to have been not the result of a definite policy, but rather depended on political expediency, for example, the fact that the Baltic states were often allowed to conduct education according to native tradition, while on the other hand, the rights of the Ukrainians, Jews and Asian groups were often neglected, depending on international conditions.

According to Palley (1978 : 15), even where some form of autonomy has been given to certain minorities and federal Republics it has been of such limited nature that "institutional camouflage" has been used to

disguise the limited effect. Like in the case of South Africa, grandiose constitutional plans proclaim false individual and group rights while effective constitutional protection is absent. Furthermore, while proper federalism provides for a division of powers between the central government and the federal units, the quasi-federalism of the USSR does not meet this requirement. The republics have no independent taxation powers or a separate budget. More than 80 central government ministries intervene in all spheres of the republics' affairs. Finally, the central government alone can amend the constitution, leaving the republics no right of judicial review or a veto to fall back on to.

According to official Soviet assessments, there are no unresolved national questions in the Soviet Union as they have been definitely 'solved' by Marxism (Tudjman, 1981 : 140). Therefore, ideologically, minority rights do not exist, although certain rights are being accommodated. What is clear though, is that the ultimate classless society has not yet overcome ethnic differences in the Soviet Union.

Finally, what is the position of minorities in the Soviet Union in 1988? Under Gorbachev's restructuring policy, Perestroika, there seems to be an acceptance of the multi-ethnic nature of Soviet society.. Gorbachev recently

proclaimed : "We live in a multinational country .: which is a factor of its might rather than of its weakness..." (1987 : 118-122). He admits however that, although the Revolution (of 1917) has done away with the oppression of, and inequality between minorities, and ensured their economic, intellectual and cultural growth, the "national processes" are not problem-free. Difficulties are created by what Gorbachev describes as narrow nationalist views, national rivalry and arrogance and he pledges to combat nationalist narrowmindedness, chauvinism, parochialism, Zionism and anti-Semitism.

According to Gorbachev, Soviet society would have been much poorer without its ethnic diversity, which he defines as differences in language, attire, rituals and manifestations: "Every national culture is a treasure that cannot be lost". Being of Russian origin himself, he does not neglect to mention the "outstanding role" that the Russian nation played in "solving" the nationality question. My immediate retort would be firstly, that the nationality question is far from being resolved, and this is visible in recent demands for greater autonomy by various ethnic groups. This is especially the case under the new Glasnost (openness) policy. Secondly, the fact is that the "outstanding role" played by the Russians was nothing else than ruthless imperialism and the oppression of ethnic minorities which makes up 47% of the population

of the Soviet Union.

With regard to the practical difficulties of such a huge multi-ethnic society with 110 nationalities, Gorbachev argues that the country cannot do without a common means of communication, a role which Russian naturally fulfil. He recommends that all Soviet citizens should be trilingual, i.e. be able to speak Russian, their own ethnic language and a foreign one. He compares this with the position in the United States, where all the various ethnic groups decided on English as a common language.

In short, ethnic minorities in the USSR have found in Gorbachev a man who, like Lenin, understands the delicate nature of minority rights and are not prepared to ignore them.

I will conclude this section with a remarkable statement by one of the five deputy directors of the USSR Academy of Sciences, Prof. Gleb Starushenko, on the South African minorities question. (Cape Times, 31/8/87) According to Prof. Starushenko, South Africa consists of at least seven national groups with population each of more than one million which need to be considered in any search for a solution. He further said that a negotiated settlement should be broadly based and that minority vetoes for Whites could be considered. While his view drew some criticism

from the ANC, it may be indicative of the new Soviet way of looking at minority rights in line with Gorbachev's perceptions.

NIGERIA

Africa's most populous state, with a ethnic diverse population of 80 million, has been experiencing a typical African problem since its independence in 1960 : how to create a democratic unified nation-state out of a loose assortment of ethnic groups, and whether it is possible to change the structure of a society by creating formal institutions (Mawhood, 1980 : 104). Nigeria, arguably Africa's most notable federal state, has between 1967 and 1977 experimented with federalism in an effort to accommodate the "dangerous pluralism" that was threatening the existence of the state itself, according to Mawhood.

Nigeria was under British control until 1968. Two-hundred-and-fifty antagonistic tribes were put together in one state by the artificial boundaries created by the British colonial rulers. In 1914 the British formed the colony from the former protectorates of Southern and Northern Nigeria. It became a federation in 1954 and became independent in 1960. The federation consisted of a Western, Northern, Eastern and Midwest region. The

Northern region covered two-thirds of the country's area and almost half the population.

At the outset of colonial rule there were three ethnic groupings, namely the Hausa-speakers in the north, the Yoruba in the west and the Ibos and other smaller groups in the east. According to Mawhood (1980 : 107), differences between these groups were based on language, traditions, attitudes towards modernization and "achievement motivation".

Political parties were concentrated in certain regions where their ethnic powerbase were and politicians appealed mostly to ethnic loyalties rather than to national policy issues. With independence Nigeria was ruled by a coalition of Northern, Eastern, and Southern Parties, with one party, AG, based in the West, in opposition. These cleavages intensified, new alliances were formed and by 1964, the main cleavage was between North and South. The North used its numerical superiority to dominate the central government and according to Panter-Brick (1980 : 118), this domination was achieved through the North's commanding position in the federal House of Representatives.

In other words, the constitutional settlement of the late 1950's which led to independence, was dangerously

imbalanced, because it turned the central government into an institution merely serving to protect regional interests. Further problems arose because of the lack of compromise between the main parties and the failure to keep a check on the majority party/segment of this highly plural society.

This imbalance led to frequent crises. In 1966 a military government suspended the constitution and divided the country into 12 states, to provide a more balanced federal structure. This did not solve all the problems because in 1967 the Eastern region, populated by the Ibos, seceded and formed the Republic of Biafra. It led to a civil war costing two million lives, Biafra's defeat and reabsorption into Nigeria in 1970. The civil war left the defeated Ibos with little to show for their struggle, and mistrust in the region persisted. After 13 years of military rule, a civilian government came into power in Nigeria in 1979 (even this only lasted until 1983, when another military coup ended the Second Republic).

The Second Republic's constitution had as a goal increasing federal influence. According to Panter-Brick (1980 :118), the federal system was changed in three ways:

- 1) through the increase of the number of federal states
- 2) in the manner in which revenues (from oil) are allocated to the central and state governments

3) the growth of the federal government.

The four regions were divided into 12 states in 1967 and into 19 states in 1976. The main purpose was to break up the three main ethnic groups of the Hausas, Ibos and Yorubas. Revenues from the oil boom were distributed through the Distributable Pool Account directly to the central government or indirectly to the state government. Because only some states have oil, rules were later introduced which arranged a more equitable distribution of the revenue among all states. Furthermore, federal authority was strengthened by increased powers and increased revenues.

The constitution refrained from stipulating a proportional or quota system for the various ethnic groups with regard to civil servants, judges, police and armed forces, but with regard to the Constituent Assembly, clearly indicated that all segments of Nigeria's plural population should be represented (Panter-Brick, 1980 :127).

Despite all these deliberate federal arrangements, the Second Nigerian Republic collapsed in 1983. The polarization of ethnic and regional conflict which brought on the First Republic, was also a central concern of the Second Republic, according to Diamond (1987 : 210).

The basic source of the continuing instability in Nigeria lies with its inability to deal with the demands of its heterogeneous population and to give due attention to the rights of minority groups, according to Palley (1978 :14). This inability caused, for example, the 'uneasy' coalition that existed between the Hausa-Fulanis in the North and the Ibos in the East to disintegrate. Ethnic tension increased after independence (Slabbert and Welsh, 1981 :136), and with a population of 80 million - divided into 250 separate ethnic groups - these tensions were difficult to contain. This was especially the case since the centre of the federation, i.e. the federal government and administration, was weak and powerless (relative to the power structures in the different regions/states). Furthermore, the huge population combined with inadequate local resources in certain regions, led to fierce rivalry and friction between the various federal units and ethnic groups over the allocation of resources.

After the disintegration of the Second Nigerian Republic in 1983, Ayoade (1984 :105) claimed that the cause for this occurrence could be found in the ethnic struggle for power. He argued that although the struggle was not so conspicuous as it used to be, it was still present, but in a more sophisticated form. Even corruption was explained in terms of the competitiveness of ethnic groups. Ayoade explained that the civilian government's constitution of

1979 succeeded only in so far as it changed the language and strategy of ethnic competition but did not attempt to eradicate it: "But in the attempt to regulate ethnic anarchy, the constitution ended up orchestrating it." Ayoade based his claim on the failure of the constitution after four brief years since its formulation.

In 1981 Slabbert and Welsh voiced the opinion that the new 1979 constitution was similar to their proposals for a consociational democracy and the rejection of a simple majoritarianism, and they added: "Nigeria's recognition of the ethnic factor is indirect in that it is seen as a danger to be neutralized by making it virtually impossible to mobilize under an ethnic banner." (Slabbert and Welsh, 1981 : 49). This assumption proved to be over-optimistic. The attempt to prevent large-scale ethnic mobilization and to ensure that smaller ethnic groups have effective representation was proven to be unsuccessful by the collapse of the constitution in 1983. Ayoade (1984 :105) agrees that Nigeria found it very difficult to build national unity via ethnic differentiation.

The Nigerian experience once more illustrates how delicate the balance is between deficient and excessive communalism. When minority rights were neglected, Nigeria paid the price in blood through the attempted secession of the Ibos. When the new constitution of 1979 was implemented

an effort to introduce a communal approach through consociational measures, the constitution collapsed, seemingly because of too much attention to ethnic differentiation.

Diamond (1987 :210) suggests that any new constitution should not ignore the positive aspects of the Second Republic, such as the breaking up of Nigeria's largest ethnic groups, the decentralization of ethnic conflict, the fostering of cross-cutting cleavages, and in general the containment of the "powerful centrifugal forces inherent in Nigeria's ethnic composition". In the light of the secession attempt of the Ibos, followed by a violent civil war, the development of cross-cutting institutions like political parties that move across ethnic boundaries, is probably the most viable option available to ensure future Nigerian stability.

ZIMBABWE

Britain took over the area known as Southern Rhodesia in 1923, and after years of colonial rule, eventually granted

internal self-government to a White-dominated administration. Finally, when the 'winds of change' began blowing over Africa in the 1960's, and with the commencement of the liberation of Black Africa, the British made efforts to transfer the remaining vestiges of political power to the people of Rhodesia, both Black and White.

In 1961 the Southern Rhodesian Constitution was formulated under British supervision, and for the first time Africans were to receive some political representation in parliament. Only 15 out of 65 seats were allocated to Blacks, even though they were about 15-20 times more numerous than the Whites. According to Bouille (1985 :118), this "fancy franchise" era represented many similar moves which purported to involve Blacks in the political system, but to maintain White control. The system amounted to communal representation for Whites and Blacks in the unicameral parliament, in a typical Westminster system. Dissatisfaction from both Black and White leaders resulted in the constitution never being implemented and the latter opting for an 'independent' Rhodesia under firm White control. In 1965 Ian Smith announced his country's unilateral declaration of independence. Britain declared this action illegal and refused to accept Rhodesian independence under White rule. Sanctions were implemented by the whole world, except South Africa. Britain kept the

White government under continuous economic and political pressure, while Black resistance movements kept up military pressure. The new 1965 constitution got rid of all forms of external control, but remained firmly aligned to the Westminster system. A deviation was the introduction of a second House in Parliament, the Senate, which had ten White and ten Black members while a further 3 Senators were appointed by the President. According to Boulle (1985 :118), the colour determinants of the voters roles guaranteed a form of communal representation in the legislature. As for the rest, several deviations in the constitution indicated that it was not based on consociationalism, eg. the gross under-representation of Blacks in the legislation, majority party cabinets and the absence of a veto.

A new constitution in 1969 gave the appearance of equal Black representation, but cleverly preserved the essence of White minority domination (Sigler, 1983 : 104). In 1970 Rhodesia became a Republic with provisions for the separation of franchise along racial lines, and the election law effectively prevented full Black representation through income tax requirements. The constitution provided for a two-House legislature. The Whites had a large majority in the Assembly where the power was actually situated.

During the next few years several attempts were made to reach a settlement, without success until 1979, when an internal settlement was finally agreed upon. Under the new Constitution, Whites would hold 28% of the seats, and although they were totally over-represented relative to their numbers, they at least gave up their exclusive hold on the political power. Yet at the same time, White privileges were entrenched for another ten years, according to Sigler (1983 :105), and the police, military, judiciary and civil service was going to be effectively under White control until the late 1980's. Entrenched provisions in the Constitution ensured that these White privileges could not be done away with by the Black majority in Parliament. Smith and three Black leaders under Muzorewa took control of the government, but had to put up with great opposition from the two large resistance movements under Nkomo and Mugabe, which were stationed outside the country, and who refused to accept this "farcical" settlement. Boulle (1985 : 120) regards the 1979 internal agreement as a type of consociational pact. It provided for an Executive Council, a Ministerial Council, consisting of equal White and Black members, for over-representation for Whites and substantial veto power for Whites. The Senate remained at a proportion of ten Whites and ten Blacks elected by the House, as well as several traditional Chiefs. Although there was a Black majority government now for the first time in Zimbabwe, control remained in White hands through a conclusive veto

which the Whites could use to control the main central government institutions.

In 1979 a cease-fire was reached between the Muzorewa government backed by the Whites and the external Black movements. A Constitutional conference was held in London and after free elections were held in 1980, Robert Mugabe came to power and formed an uneasy coalition with the Black minority leader in Zimbabwe, Joshua Nkomo. The White minority, although at this stage consisting of 100 000 people out of a population of eight million, i.e., 1,25% was guaranteed 20% of the seats in parliament for seven years (in the lower chamber).

The new constitution protected the property interests of the Whites, gave them over-representation in parliament as a group, but according to Sigler (1983 :106), restrained their ability to frustrate the Black majority. All the civil service positions, police, military and the judiciary were opened to Blacks. Although there was a degree of discrimination against Whites (re. job allocation etc.), Whites in general prospered since independence and the fact that they received constitutional safeguards as a group must have played some role to this effect and helped to ease them into accepting a compromise and majority rule.

Of the 230 000 Whites in Rhodesia, only about 100 000 have

remained in Zimbabwe under the leadership of Mugabe. These Whites are predominantly the larger farmer-landowners, professional and upper-income groups, all of whom have prospered, according to Shaw (Cape Times, October 29, 1987). Their lifestyle has hardly changed, there has been no nationalization of smaller businesses, no White property has been confiscated and there has been no revenge or retribution, according to Shaw. Today 4000 White farmers still occupy 32% of land in Zimbabwe (Sunday Times, February 21, 1988). It is obvious that White managerial and economic skills gave them great political leverage and security in Zimbabwe, especially as seen in light of the chaos in Mocambique and Angola when the Portuguese left these countries after independence and took their skills with them. I must also be added that the perceived South African economic and military threat may have helped the position of the White Zimbabweans - not by the force of the threat alone, but because Zimbabwe may have been trying to create an example of racial harmony for South Africa.

With regard to the nature of the 1980 Constitution, several consociational measures were included, such as the over-representation of Whites, a legislative veto, and a coalition cabinet which initially included two White ministers. Because of the sparsity of the Whites in such a large territory as Zimbabwe, segmental autonomy was not possible, according to Boulle (1985 :123).

In 1987, the 20 White seats were abolished and subsequently the White Zimbabweans lost their last remaining vestiges of political power. The crucial aspect of this development is to see whether this will make any difference to their relative position in Zimbabwe. In other words, will the Whites in a non-racial Zimbabwe be better off if they are treated as individual Zimbabweans, irrespective of their race, than when they were seen as a group and treated accordingly? Adam and Moodley (1986 : 206) seem to argue in favour of the 1987 Zimbabwean situation where communalism (at least as regards the Whites) has been substituted for by individualism - "In a non-racial society dependent on competition between individuals, achievement replaces ascribed minority status as the criterion for the allocation of scarce resources." They continue: "Under (such) a system..., minority members would fare better than under a system of racial group rights".

Since these new developments happened so recently, it is not yet possible to determine the long-term effects of the changes in the Zimbabwean Constitution. However, if the Whites in Zimbabwe are going to be better off under this new individual approach without any constitutional safeguards - like Adam and Moodley claim they will be - it will be contrary to the position I took in this

paper, namely, that communalism and the protection of group rights are the best solutions to the problem created by plural and divided societies. So far, it does not seem that the Whites will really miss their twenty reserved seats in parliament, and already several Whites have been appointed to Parliament by the ruling Zanu-PF party of Mugabe. The present situation, early in 1988, is as follows: Robert Mugabe became the Executive President, Zimbabwe became a one-party state, and after a unity pact between the country's two main political parties, Nkomo, former Zapu leader, and three Whites have been included in a new cabinet.

As an addendum, I should also add that apart from the White minority, there is also a Black minority in Zimbabwe which has been experiencing similar oppression to what they experienced under White rule. They are the Ndebeles of Joshua Nkomo. They were till recently subjected to measures such as the exclusion from government positions, state sponsored violence and political repression, for example, Nkomo was for a lengthy period banned from making speeches or holding rallies. According to Glover (1987), it was not so much the Whites who needed safeguards at Lancaster House, but the Ndebele.

It might be safe to assume that the struggle for power between Black and White has been replaced permanently by the struggle between the Shona and the minority Ndebele,

the latter constituting only 19% of the population. Perhaps they should have received similar communal safeguards at Lancaster House as the Whites did. Only in 1988, seven years after independence, has Nkomo been brought back into the government on a permanent basis. Whether this will reduce tension between the two Black groups, only time will tell.

WHAT CONCLUSIONS CAN BE DRAWN FROM THE EXPERIENCES OF THESE PLURAL SOCIETIES?

Sigler (1983 :195-196) lists some general characteristics of minority rights, all which have come to the fore during the discussion of the problems of the nine selected plural societies in this paper. I will briefly mention these:

Minority rights are group rights that are asserted when a group seeks differential treatment distinct from the majority. Some minority groups are content with the passive recognition of their separate language, culture or religion, while others actively seek economic and political power and even autonomy and secession from the majority. For example, one can compare the passive stance taken by the Catalans to the more aggressive methods of the Basque minority in Spain. It must also

be noted that some groups have been forced to accept differential treatment instead of seeking it, for example, the Black groups in South Africa.

Minority rights may also include individual rights. The more successful countries mostly manage to maintain a fine balance between group and individual rights, while in others, abuses of minority rights normally go hand in hand with similar abuses of individual rights, for example, Cyprus, Sri Lanka, Spain and Zimbabwe.

Plural societies must decide whether they have minorities and then, if necessary, act accordingly to recognize the legitimacy of these minority rights. Since most countries have minorities and recognize the fact, the only question that remains is to what extent they must be accommodated. An over-generous interpretation of the rights of different groups in a plural society can be harmful to the unity of the central state, while an inadequate recognition of such rights will cause a struggle for autonomy and secession. Some countries make no constitutional provision for minorities at all, for example, the Kurds in Iraq and Turkey, and the Alsatians, Bretons and Corsicans in France; the Indians in Canada, and the Aboriginies in Australia.

Complete freedom of association should be the norm, i.e. members of a group should be free to remain in or to leave a group. South Africa is the only country where group membership is imposed from outside the group. India's caste system which produced a group of 93 million "untouchables" (surely not a status voluntarily accepted), can be compared with the system of Apartheid in so far as inhumanity is concerned.

Minority rights should not be a pretext for discrimination and legalized domination, as in South Africa, Sri Lanka, India, Cyprus, Northern Ireland and in fact most countries where minorities are being trampled upon.

Under conditions of extreme deprivation and prejudice, minority rights justify special treatment, for example political and socio-economic support. In the case of the Ibos in Nigeria and the Black groups in South Africa, this has not happened.

Minority rights include the right to economic, political and social justice. This is the crux of the minorities debate: Minorities are not an end in themselves and do not exist just for sentimental or historical reasons. They always have a goal, namely social, economic and political justice and relative

equality (relative to the size of the minority in the total population). If a minority is denied access to these, then ethnic violence will be the inevitable result.

Minority rights do not include the right to revolution or secession except on the same basis as individual rights. Secession is always the last alternative - when all else has failed. Of the examples discussed, Nigeria, Cyprus and the Soviet Union experienced secession and the same threat has made its appearance in Belgium, Canada, Northern Ireland and Spain (and of course in numerous other countries not discussed in this paper).

South Africa is on the road to similar ethnic conflict as experienced by other plural societies of the world. The only difference at this stage is that so far, the oppressed 'minority' has been in fact the Black majority. Assuming that a compromise between Black and White will be reached sometime in the not too distant future, by which time the Whites will actually have to accept that they, in fact, are the minority, then which is the best way to secure their minority rights? This is the question which I shall discuss in the rest of this paper. The point of view which I am taking assumes that, given the history of ethnic conflict in other parts of the world, minority rights in

South Africa may best be protected by communalism. This implies a distinct recognition of minority rights and the acceptance that individual and group rights can coexist. Van Dyke's (1983 : 20) argument that the interests of the individual can be protected and promoted best by giving status and rights to the group to which the individual belong, does make a lot of sense. It would probably be the only way by which a compromise between Black and White could be reached, and peace secured. South Africa's future does not have to follow the conflict-ridden past of Northern Ireland, Cyprus, Nigeria, Zimbabwe and others. Communalism could provide the answer.

5. THE SOUTH AFRICAN MINORITIES QUESTION.

"I pointed out that the history of ethnic conflicts in recent years gave little assurance to ethnic minorities of their rights being protected after the transfer of power".
-Hermann Giliomee, reporting back from Dakar after meeting with the ANC on July 15, 1987.

Professor Giliomee's argument has been confirmed previously by the findings of many political scientists in the field of minority politics and by the bitter experiences of political leaders of ethnically divided countries world-wide. As has been asserted earlier in this paper, minority questions in plural societies can most successfully be solved by recognizing minority rights through in a system emphasizing communalism.

In South Africa, the question of how to deal with the plural nature of the population is still unresolved, but is of such crucial importance that without a satisfactory solution peace will not be possible. When deciding on how to accommodate plural diversity, the choice is firstly between individualism and communalism, and if the latter is given preference, a further decision has to be made on the nature thereof, i.e. which communalist devices to apply, how

to apply these, and finally which constitutional system as such will best accommodate minority rights as envisaged in communalism.

There is a wide variety of views on and interpretations of minority rights in South Africa, coming from all sections of the political spectrum. The two opposite poles of this spectrum are being represented, firstly by the National Party and other conservative elements who regard racial groups as the foundation of their political philosophy. The second extreme is the African National Congress and its internal surrogates like the UDF, who totally reject group rights in the political sense and support individualism. In between these two extremes can be found many accommodating, compromise positions which try to secure a balance between group and individual rights. Advocates of these centrist positions can be found among the Progressive Federal Party, Inkatha and others who reject the use of groups for the purpose of maintaining White racial domination and prefer to use the concept in a way to enhance democracy and to facilitate compromise by recognizing the rights of groups formed through voluntary association.

This chapter deals with the attitudes and policies of political groupings in South Africa with respect to minority rights, as well as with the important issue of how to identify the relevant minorities in South Africa. Since

compulsory racial classification is totally unacceptable to most South Africans, the question arises as to whether a system based on free association will be the solution. On what basis will such groups be formed - language, race, culture, religion or ideology, and which of them will be regarded as legitimate by a democratic government? Furthermore, should these salient groups operate as political parties or be represented in parliament as ethnic categories, as in the case of the KwaNatal Indaba proposals.

One also has to look at which constitutional system will best provide protection of minorities and ensure their political participation? Having previously discussed the unitary nature of the British Westminster and the federal nature of the American Presidential systems and by considering the divergent constitutional options implemented by the nine plural societies mentioned in Chapter 4, and by eliminating non-democratic, authoritarian systems and military dictatorships, the best possible solution that could be considered for South Africa is one that espouses a strong form of power-sharing and decentralization of power, as can be found among consociational and federal systems. An analytic discussion of the suitability of these systems to South Africa's quest for a democratic solution will conclude this chapter.

Having considered the above criteria in an effort to suggest a path to a democratic alternative for South Africa through proper power-sharing, it is necessary to contrast this model with two opposing alternatives currently being presented to South Africa.

The first of these is the simple majority system in a one-man-one-vote^{person} electoral system, supplemented by a unitary state. As I have indicated before, this system is not ideal because it does not necessarily result in democracy in plural societies, as it normally ignores the rights and aspirations of minorities. In South Africa today, simple Black majority rule is, rightly or wrongly, the focus point of White fears of being swamped by a majority bent on revenge, with a total disregard for the security and survival of the White group. Although these fears are probably exaggerated, enough examples of ethnic conflict and majority domination exists today to prevent the White minority from following the way of "total abdication" (Van Niekerk, 1988 : 14).

The second alternative model, which, unlike the previous one, has already been introduced in South Africa, entails

the cooption of certain racially defined groups by granting them limited democracy and material benefits, while at the same time, maintaining White domination. According to Van Niekerk (1988 : 15), the Tricameral Parliament is the prime example of such cooption. This ideology, turned into National Party policy, has as little chance of gaining acceptance among Blacks as a simple majority system has among Whites, because firstly, it ignores the majority of the South African population; secondly, it does not represent real power-sharing, and thirdly, it has the unacceptable notion of legally prescribed racial groups as its basis.

It should be obvious that these two alternatives would not be acceptable to either the Black numerical majority, nor the politically, economically and militarily dominant White minority. This chapter will therefore deal with the third option, the democratic sharing of power between all groups, as envisaged by a consociational/federal model.

5.1 CONTENDING PERSPECTIVES RELATING TO MINORITY RIGHTS AND ISSUES IN SOUTH AFRICA.

The National Party and other factions on the Right.

For the National Party, the concept of 'group' is the foundation of its political philosophy. In a speech in Parliament (Cape Times, 17 August, 1987), President Botha confirmed the party's commitment to the primacy of groups in South African politics - "Minority rights exist where a group of people is distinguishable from other groups in the state on the basis of one or more factors such as their physical attributes, their language and culture, origin and nationality and their religion".

Botha also mentioned what he regards as the "myth of the melting pot" (i.e. a complete non-racial society) which confirms his strong preference for a group-based ideology as opposed to the individualism which a 'melting pot' inevitably suggests. According to Professor David Welsh (1987 : 5), Mr Botha's speeches over the last few years show his consistency in insisting on a group basis for his

government's constitutional planning. This includes the White group's rights to its own community life, including separate residence and schooling facilities. Mr F.W. de Klerk's view on groups is very similar to that of President Botha. He believes that the recognition of the importance of a group existence is not in itself discriminatory, but in fact, a prerequisite for peaceful co-existence. Each group has to have its own community life, including own residential areas, own schools, and own institutions. (Race Relations Survey, 1986, Part 1, p.161). It must be added that in 1987 the government accepted the principle of the local option in an amendment to the Group Areas Act. This means that municipalities can decide for themselves if they want to open their residential areas to all races. Botha made it clear that it should not change the present situation with regard to separate schooling or the voting system.

Although the group approach of the National Party appears reasonable at first, especially seen in the light of communal measures taken in other plural societies, there is a big difference between the Nationalist conception of groups and the normal meaning of the concept. The difference is that the composition of groups in South Africa is determined not by an organic process of voluntary association, but by the compulsory assignation of each individual to a racial or ethnic group (Welsh, 1985 : 6).

This peculiar way of looking at groups is part of an on-going process to justify racism and to ensure White domination, also being termed "divide and rule". According to Alexander (1985 : 45), every government since 1910 has looked at the concept of group in this way, by at first categorizing South Africans on racial terms into Whites, Coloureds, Indians and Africans. Then, since 1948 the National Party has divided the Africans into a further ten or eleven ethnic groups, for example, Xhosa, Zulu, Sotho and others, in order to revive and entrench antagonistic feelings between these groups. One of the pillars of Apartheid, the Population Registration Act, is being used to define and organize groups, and is used in conjunction with the Group Areas Act to ensure that population categories are kept segregated by law.

The Minister of the Department of Constitutional Development and Planning, Chris Heunis, is at present trying to devise a system of 'power-sharing' with Blacks but at the same time, under a cloak of liberal-sounding utterances, to ensure that the White group will never lose its hold on political power. Let us look at some of his recent statements with regard to groups : According to Heunis, the National Party places a high value on the protection of groups and the right of each group to determine its own affairs, and on power-sharing by groups when it comes to communal affairs. In his view,

the National Party recognizes on an equal basis the rights of the individual together with group rights. The scant regard held by the government for individual rights can be seen in the system of detention without trial, in the torture and murder of detainees, in the restriction of free speech and censorship with regard to literature and the press. For example, on 17 August, 1987, President Botha once more lashed out at the Press for "blatant distortion, stage-setting, misrepresentation and the creation of negative perceptions" - this kind of criticism and veiled threats aimed at an institution which serves as a restraint on government power in most democratic societies, has become common-place in this country where democracy has become an extremely contracted concept. In other words, as soon as the media threatens the legitimacy and 'security' of the ruling White-dominated government, and in favour of other political groupings, it comes under fire for being "subversive". Any group-based system that works so totally in favour of one dominant group at the expense of other groups, can never hope to gain legitimacy domestically or internationally.

As can be seen in the proposed amendment of the Group Areas Act, there seems to have been a shift in recent months away from rigid interpretation of groups based on race and ethnicity towards a more flexible approach. Mr Heunis (Rapport, April, 19, 1987) claims that the NP may also in

the future consider accepting other forms of group association, apart from fixed racial and ethnic ones, such as "geographic concentrated communities". He uses the example the self-governing Black units and the combined executive of Natal-Kwazulu. (This did not prevent him from rejecting the Indaba proposals).

Mr Stoffel van der Merwe motivates the NP's preference for group rights (and violation of individual rights) by comparing South Africa at present to Europe in earlier centuries (Sunday Times, 9 August, 1987). He claims that only after European states managed to consolidate their groups safely behind international boundaries, did they devote their attention to safeguarding individual rights, and at times of war, for example during World Wars One and Two, individual rights were quickly moved to the background as the overall safety of the group was threatened. Van der Merwe claims that South Africa is in a similar situation to that which Europe used to be in, and he claims that inter-group conflict takes on "international dimensions" to some extent. He criticizes Hermann Giliomee's argument that conflict in South Africa is basically between two competing nationalist groups, viz., the Afrikaner and the African Nationalist, and claims an oversimplification on Giliomee's part - "...it a fallacy to disregard the many cultural divisions in the ranks of what he (Giliomee) glibly terms as Africans".

Van der Merwe continues: "the mistake of disregarding the group loyalties of, for instance the Zulus, the Xhosas or the Tswanas, will be at the cost of a peaceful future".

What the government ignores though, is the fact that quite a few of these divisions between the different Black ethnic groups were artificially created by Apartheid legislation, while other division which existed were perpetuated and formalized. Soweto serves as a perfect example of how various ethnic groups can live together as a Black South African group, ethnic differences all but forgotten.

The foundation of the NP's group policy is that groups should be the basis of any future constitution. Groups should be seen here in an assigned racial context and when it comes to the protection of group rights, the NP really means White minority privileges - these are non-negotiable. Compulsory group membership is unilaterally determined by the government and forms part of any power-sharing proposals. It will probably be enforced by measures such as a blanket veto and White dominance in crucial spheres of society, such as the economy and the Defence Force, since it has always been the Botha-government's aim to share power without losing it. (Not unlike the Zimbabwe-Rhodesia Constitution of 1979 which was drafted by Smith and Muzorewa, but which had no legitimacy among the majority of Zimbabweans).)

Van Zyl Slabbert (1985 : 164) sees the government's stance with regard to the concept of groups as a major reason for the lack of Black/White negotiation. The policy of entrenching racial or ethnic group membership constitutionally, is nowhere to be seen more clearly than in the tri-cameral Parliament, where the choice of voting for any chamber is limited by a voter's racial classification.

The Conservative Party.

This party, and the remainder of the Far Right, have the same basic group philosophy as the NP, although they envisage a slightly more traditional type of constitution. Heunis claims the difference between his party and the Conservative Party (CP), is that in the latter ideology, one finds absolutism of the group concept and secondly, that the Conservatives make no provision for power-sharing on matters of communal concern among groups.

The basic objectives of the South African Far Right, which includes the CP, the Herstigte Nasionale Party (HNP), the Afrikaner-Weerstandse Beweging (AWB) and the Afrikaner Volkswag and the Vereeniging van Oranjerwerkers, to name the most well-known, are :

- The total partition of South Africa based on race;

The creation of Coloured and Indian Homelands;

-The maintenance of White self-domination;

-The rejection of co-responsibility and
co-participation between race groups;

-The rejection of federalism in South Africa;

-The economic separation of groups by means of separate
business districts (Van Vuuren, 1985 :40).

The AWB in particular is very secessionist-oriented, and has as its policy the reinstatement of the Boer Republics which will be populated solely by members of the Afrikaner group. Their leader, Eugene Terre'Blanche, accuses the National Party of using the term "minority rights" to give greater respectability to Apartheid (Burger, 11 February, 1988). In his view, his organization represents the true cultural nationalistic aspirations of the "Boeremense" and he is prepared to acknowledge the similar aspirations of other "nations" in South Africa.

The Progressive Federal Party.

The Progressive Federal Party (PFP) officially stands for individual as opposed to group rights. Individual rights refer to : "the right of every person to the protection of their life, liberty and property and free access to the judiciary in defence of these rights" (PFP Policy

guideline , 1987) . These individual rights will be protected by a Bill of Rights which guarantees full and equal rights for all citizens and will prevent discrimination against any individual or group on grounds of race, language, or religion. The policy guideline does mention at the same time that provisions are made for the protection of certain group rights - "the constitution ...must have safeguards to prevent the domination of any individual or group of individuals" The crucial difference between the PFP's perception of group and that of the National Party, is that the PFP's envisaged constitution will be free from racial structures and freedom of choice will replace compulsory group membership. When the PFP speaks of groups, it refers to groups formed through voluntary association, such as religious, language and cultural groups.

With regard to the actual protection of group rights, various constitutional devices which will make political minorities indispensable to the decision-making process are envisaged by the PFP, for example proportional representation of minorities on legislative and executive levels; also the decentralization of power from central government to federal units; and finally a Bill of Rights guaranteed by a strong and independent judiciary (Policy guideline, 1987). The PFP also makes provision

for a minority veto by which any group with 10% to 15% representation can veto legislation in Parliament. This provision was under consideration in 1987 to be removed from the PFP's constitutional proposals, due to the controversial nature thereof. According to Professor David Welsh (1987), the minority veto provision was never intended to be a means to protect racial privilege - It was more "an effort to cope with the problem that plagues divided societies, viz., the presence of permanent minorities, with the latter being excluded in perpetuity from a share of power".

Welsh, a member of a PFP commission investigating the minority veto, argues that his concern is with the problem of permanent minorities with which the minority veto is supposed to deal with, and leaves it to the PFP to decide whether the veto is the best solution to the problem, which he describes as "a real one, and hardly deniable". As evidence he lists two countries where this "excluded-minority problem" is present, viz., Northern Ireland and Sri Lanka. To this list one can probably add half the world, but the most obvious examples, some of which have been discussed in Chapter 4 of this paper, are Nigeria, Belgium, Canada, Cyprus, Lebanon and Israel. Welsh concludes that constitutional mechanisms cannot by themselves regulate and mitigate social conflict in divided societies and will have to be merely secondary methods

against minority excesses - ultimately three interlinked factors will provide the best protection for minorities:

Their usefulness to the majority;

Their interdependence with the majority;

The extent to which they are perceived as non-threatening to the majority.

The White minority in Zimbabwe meets all three the above-mentioned criteria and it is doubtful as to whether they are powerful enough to be regarded as a threat to the Mugabe government. According to these criteria, their minority position seems relatively secure, even without constitutional mechanisms like a minority veto. Whether the Whites in South Africa can adjust with equal ease under a majority government, is debatable.

According to PFP policy the "Federal State" is the only institution where provision is made for cultural groups in Parliament, and Cultural Councils will each send one Senator to Parliament. Each cultural group is allowed a Cultural Council. Let us look at what some of the other members of the PFP have to say about group protection. According to Mr Ken Andrew (Rapport, April 12, 1987), the PFP does not deny the existence of groups, and in fact insists on the protection of minorities from domination by majority groups. But in his view the best way this can be done is by protecting the individuals out of which such a minority group exists. He justifies the removal of a

minority veto out of PFP policy because it is seen by Blacks as a mechanism which will make real change impossible. When asked by Rapport if the PFP's policy will result in Black majority government, Andrew answered that under a democratic system the majority group should take over government - the fact that they are Black, is not really relevant. Yet even under a Black government, the previously-mentioned minority protection mechanisms should provide adequate protection for a White minority (e.g. proportionality, decentralization, federalism, a Bill of Rights, etc.), according to Andrew. Professor Nic Olivier's view (Rapport, March 29, 1987) is that the group concept should be rejected, and he argues that one cannot talk of multi-cultural and multi-ethnic when one really means race - "If the argument was not one of race, but one of cultural, religious and ethnic diversity, then you could not throw Hindus and Muslims into one group".

The essence of the PFP's policy is that they adhere to individual rights as opposed to group rights, but with the understanding that whatever groups form on the basis of voluntary association, minority rights will be protected. In the PFP's view, protection should be accorded to political minorities, as represented through political parties, i.e. not ethnic or racial groups as such. When it comes to firm, unbreakable constitutional guarantees to allay White fears of Black domination, the PFP admits that the constitution is no guarantee by itself, but merely

merely an instrument on which to build cooperation and trust. According to Mr Colin Eglin, the PFP is committed to giving security to South Africans because in Eglin's view, security is something the National Party simply cannot give them. Unfortunately 85% of the White voters disagreed with Mr Eglin in the May 1987 election.

Other movements to the left of the National Party.

At the time of writing, the former Independent movement split up into the National Democratic Movement of Mr Wynand Malan and the Independents under Dr Dennis Worrall. They are to the left of the NP and oppose the Nationalist argument that group identity should form the basis of any future dispensation. They believe in the principles of free association and in certain minority protection mechanisms. Groups are defined not as racial groups but as interest groups and as such could be granted protection if needed. In this respect these two Movements are joined ideologically by the so-called 'New Nats' (liberal Nationalists who differ from the traditional NP ideologically, but are trying to change the Party from within). These 'New Nats' believe, according to Nina Overton of Rand Afrikaans University (Cape Times, 27 April, 1987), that there should be White security, but at the same time, rejects racial groups as being the

building blocks of political structures, preferring interest and cultural groups instead.

Both these viewpoints seem to favour a non-racial democracy for South Africa based on the principles of freedom of association and a form of universal franchise (Financial Mail, January 1987). They further stand for decentralization of power and for the idea of local political options, for example, the Natal-Kwazulu Indaba. The differences between these groups and the PFP are over the manner of group protection. According to Martie Meiring (Sunday Times, April, 1987), the PFP stands for individual rights only, while the other two movements insist on some kind of minority protection. Meiring uses the Kwa-Natal Indaba as an example of what Malan, Worrall and the liberal Nationalists adhere to, i.e. one-man-one-vote with a strong element of group protection. Since Worrall's return from his posting in London and his credible performance against Heunis in Helderberg (he lost by a mere 38 votes against the Chief-planner of the NP's group-based constitutional 'reforms'), he has made it clear that he is in favour of scrapping the Population Registration Act, and that he is against the legal enforcement of racial group boundaries. The main difference between Worrall and the NDM on the one hand, and the NP-policy on the other hand, is the idea of group formation by freedom of association and a deviation

from the argument that racial groups must form the basis of any future constitution.

In the National Democratic Movement's (NDM) Manifesto issued in October, 1987, Wynand Malan explains the split between his movement and that of Dennis Worrall as inevitable, and gives as a reason Worrall's insistence on directing the movement's strategies at White politics only, while Malan himself wanted to include both parliamentary as well as extra-parliamentary politics. The Manifesto lists the NDM's basic principles with regard to human rights as follows:

"We believe that the cultural diversity of our people is a national asset and that the national groups can develop their own cultural traditions in a spirit of mutual respect, tolerance and conciliation.

"All South Africans should be treated as equals, without discrimination on the grounds of race, sex, language and religion.

This means the ending of the era of White domination and its replacement with a democratic political order, ensuring political participation for all South Africans.

At the same time there should be effective constitutional protection of basic civil rights and individual freedoms, as well as the rights of all South Africans to their language, religion and culture - based on the concept of freedom of association;

the enforcement, where necessary, of these constitutional provisions by an independent judiciary."

The Black view of minority rights.

Adam and Moodley (1986) distinguish between the four different Black groupings. I will use these as a basis for discussing the various Black views towards groups and group rights:

1. Patronage - Client Alliances

These groups consist of the Coloured and Indian Members of the Tricameral Parliament, the Urban Community Councils, and the leaders of the 'independent' homelands like the Transkei, Ciskei, Boputhatswana and Venda. They have been coopted by the National Party into becoming part of the system of Apartheid in return for financial rewards and other benefits such as status, prestige and power.

Of course all of these groups are opposed to Apartheid and racial discrimination, and in the homelands, such legislations were removed soon after 'independence'. Publically the leaders would condemn Apartheid, but at the same time they have allowed themselves to become part of the system, and are duly scorned as traitors by the

rest of the Black community. In the homelands, force has had to be used to keep dissidents under control, and the Urban Community Councils have all but ceased to exist. Most 'independent' Homeland leaders seem to favour a geographical/ethnic-based federation of South African states, i.e. based on ethnic groups. According to Forsyth (1984 : 8) the view of the respective leaders of Lebowa and the Transkei (during 1982), Phatudi and K.D.Matanzima, were that a confederation between South Africa and the independent homelands was inadequate, and that what was required was a federal system where Blacks were constitutinally accommodated.

The Coloured Group in the Tricameral Parliament have become part of the group-based system in 1983. The elected leaders received an average vote of 20% of the eligible votes in the only election to date, according to Adam and Moodley (1986 : 237). Except for improved socio-economic conditions for their own group, the Coloureds have achieved very little inside the system, although the leader of the Labour Party, Alan Hendrickse, claims credit for the removal of the Influx Control laws, for changes to the Separate Amenities Act and for a more relaxed official attitude towards the Group Areas Act. Only in 1987 did members of the House of Representatives began to take

in a more aggressive stance towards government policies, especially those aimed at strengthening group structures. The Coloured members in the Parliament seem intent on getting rid completely of the two of the remaining pillars of the Governments' Group policy, namely the Group areas Act and the Separate Amenities Act. By threatening to use Labour Party's veto as dominant party in the House of Representatives to force a general election for all Houses in Parliament in 1989, the LP hopes to get these two Acts repealed or changed drastically.

Some recent declarations made by the Labour Party included Hendrickse's call for a geographical federation, not one based along ethnic lines. He also proposed the introduction of proportional representation in each of the federal units. Calls have also been made for the removal of the cornerstone of the NP's group policy, the Population Registration Act and for the government to create a democratic and non-racial South Africa. (Cape Times 4 January 1986).

The National People's Party, majority party in the House of Delegates and its leader, Mr. Rajbansi, support the

principle of group rights - "You can't run away from the fact that you belong to a group. Self-determination is based on groups" (Post Natal, February 12, 1986). Rajbansi's attitude is not surprising, for two reasons : firstly it must be remembered that he has chosen to be coopted into a political system based on forced racial group assignment and secondly, research has shown that Indians are the non-white group most concerned about maintaining their group identity (discussed in chapter 5.2)

2. Pragmatic Institutional Opposition

The groups in this section are less involved with the Government and can therefore afford to be more critical of it. The most important organizations are Inkatha and the umbrella body for the Trade Unions, Cosatu. The degree of participation in the system is limited, in KwaZulu's case, to receiving a subsidy from the government to finance the homeland's expenses and in the case of the trade unions, to the 'advantages' that the union enjoy under labour legislation e.g. legal strikes, access to the Industrial Court and the right to collective bargaining.

Even though Cosatu rejected the KwaZulu-Natal Indaba proposals, which contains elements of both group protection and individualism, it is difficult to be sure what exactly

they stand for with regard to group rights. Alex Erwin of Cosatu (Leadership 111 1987) states that the Indaba is "totally inappropriate to our circumstances" and doubts the sincerity of the process, which is based on consociational democracy, i.e. power-sharing between segments' groups. He concludes that Indaba offers no real "economic and material gains" for the workers, which I presume is his primary concern. However, Cosatu has adopted the Freedom Charter and has thereby firmly moved into the "Charterist" camp, a move which may sow seeds of discontent within the federation with its many divergent Black political tendencies (Financial Mail, 24 July, 1987).

Inkatha is reasonably clear about its policy on group rights. In the words of Gibson Thula (1980 : 161) Inkatha stresses firstly the rights of individuals and secondly, the rights of groups to which those individuals belong . Part of this policy is the recognition of free association of the individual within larger political, cultural or social groups. Chief Mangosuthu Buthelezi (Business Day, 7 July, 1987) argues that although most Black people prefer a one-man one-vote system in a unitary state in which individual rights and the rule of law were entrenched, he also knew about White fears and perceptions about Black majority rule which would make them reluctant to venture into such a system. Therefore Blacks are prepared to heed to White fears and to

sacrifice a unitary system for a federal one in which White minority rights will have more protection. In this respect, Buthelezi and the PFP's policies seem congruent. If Buthelezi acknowledges White minority rights to such an extent, what is his view of Zulu group rights? When referring to his own ethnic group, he claims : "We are South Africans with a Zulu contribution to make. It is an historical absurdity to assert that only those who have shed their cultural identity, can shape history in the right direction " (Adam and Moodley 1985 : 83). According to these authors, Buthelezi asserts equal value of the ethnic contributions to an overriding South African nationality. It is obvious that the Chief Minister attaches great value to ethnicity and its use for the mobilization of his Zulu constituency.

In a slightly different vein, Oscar Dhlomo, Inkatha's Secretary-general, states "We abhor ethnicity in so far as it is used to determine people's political rights " (Adam and Moodley 1985 : 82). A.H Zulu, speaker of KwaZulu's Legislative Assembly, confirms Dhlomo's view by saying that, by guaranteeing the rights of individuals, the rights of all minorities will be protected - any other way (i.e. group rights) will, in his view, be perceived as a continuation of Apartheid (Zulu 1987 : 50).

It seems that Buthelezi's belief in a relatively strong

group approach triumphed when the Indaba proposals were formulated, because the Indaba, in my view, has strong elements in group representation contained in it, especially in the Second Chamber.

3. Extra-Parliamentary Alliances.

Of these, the most important are the United Democratic Front (UDF) and the African National Congress (ANC). The ANC is based outside South Africa, but is engaged in guerilla warfare inside the country. The UDF is an umbrella organization for several hundred anti-Apartheid groups with widely divergent views on the nature of "the struggle". Nelson Mandela is regarded by both as their 'spiritual leader, but while violence is a strong element in the ANC's struggle against the Government, the UDF adheres to non-violence, although by following a strategy of making townships ungovernable, violence surely cannot be excluded as a likely result. Adam and Moodley (1985 : 93) have no doubts about the depth of militancy and the widespread legitimacy of the UDF, which "inherited the ANC's mantle" inside the country.

The Freedom Charter forms the basis of the ideology of both groups, although there exist within them many divergent beliefs. The Charter accepts that several "national groups" exist, recognizes the right of the people to develop their own language, own folk culture and

customs. It furthermore mentions the following aspects of its policy towards groups:

All National Groups shall have equal rights;
There shall be equal status in the bodies of state, in the courts and in the schools for all national groups and races;

All national groups shall be protected by law against insults to their race and national pride;

The preaching and practice of national, race or colour discrimination and contempt shall be a punishable crime;

All apartheid laws and practices shall be set aside.

According to Adam and Moodley (1985 : 99) it also "seeks equal status" for ethnic groups in schools, courts and other state institutions. These authors claim that the Charter "flirts with group rights" by stating that 'all National groups shall have equal rights'. In fact, critics of the Charter point out that it merely follow the classification of groups made by the Population Registration Act. According to many observers', the Freedom Charter's notion of several "oppressed nations" may be out of touch with many of the younger generation of Black leaders. According to Tom Lodge from the University of the Witwatersrand, (Washington Post 2 February 1987), the ANC will not be keen to make any substantial concessions towards the protection of White Minority

rights and at most may be prepared to guarantee White property rights and put off the nationalization of major industries. He doubts whether the organization, when in power, will accommodate Whites on separate voters roles or experiment with other constitutional protective devices - "They are adamant about the need to eliminate all traces of ethnicity and the entrenchment of legally defined race groups with special rights". According to Oliver Tambo, the official ANC policy states that "The idea...of so-called white minority rights proceeds from the basis of a racist and anti-democratic thesis. That thesis is that the genetic features of the white population of our country defines this population as a distinct political group...which are different from and opposed to those of the rest of the population of the country. We reject this thesis" (Gilliomee, 1986 : 23). According to Murphy Morobe of the UDF (Sunday Times, April 5, 1987), only cultural group rights should be recognized, as opposed to constitutionally defined group security for minorities. He uses the Freedom Charter's notion of guaranteeing equal rights for all national groups and protection by law of "cultural, religious and other freedoms". Morobe insists that protection of these rights will not mean the protection of minority privileges based on domination of the majority. NUSAS, member of the UDF, states its view of group protection quite clearly : "If the rights of minorities are protected by law, surely there is no need for minorities to be protected". (One Person, One vote - 1987 NUSAS pre-election publication).

Slabbert and Welsh (1979 : 117) claim that, in spite of the fact that the traditions of the ANC are not opposed in principle to constitutional protection for minorities, they believe that Black nationalists will be against such protection, because of years of the political manipulation of "ethnicity" by the government. Hermann Giliomee (1987) agrees that any effort to use racial groups and the protection of such groups as basis for negotiations will "face massive black rejection". Shortly after meeting with the ANC in Dakar, Giliomee made a plea to the ANC to seriously reconsider its opposition to White group representation and to a power-sharing compromise (Sunday Times, August 2, 1987). He claimed that the "essence of ethno-nationalism in South Africa and elsewhere is the self-identification of a group" and that the majority of Whites, especially Afrikaners, will insist on choosing their own leaders.

If Giliomee is right, the Black Nationalist Movements may have to look again at the importance of group in South Africa, and especially with regard to the group consciousness of the present ruling minority.

Finally I shall look briefly at the view of Nthato Motlana, former chairman of the Soweto Committee of Ten and a

prominent Black political figure. According to Motlana (1980 :42), individual rather than group rights, need to be protected, and in his view, no provision must be made for the protection of minority rights, because of the divisive nature of such protection on the unity of the country. He especially opposes a veto right for Whites which can be used to block necessary changes. Although he rejects a blanket veto by any group, he would be prepared to accept a veto system which would require, for example, 80% support of states in a federation to pass legislation, i.e. in a federal system. Motlana also claims that Afrikaners are not any more interested in ethnicity and group identity than he himself is, but merely uses it as a useful political ploy to stay in power. In this respect there is a strong difference between his view and views of people like Hermann Giliomee and Stoffel van der Merwe, who, albeit from different perspectives, insist that the Afrikaner is determined to safeguard his own future, culture and group identity (ethnicity), instead of just being interested in his material well-being.

So although there are different interpretations of the ANC-UDF alliance's group policies, one thing is clear: the constitutional protection of White Minority political rights and privileges are not acceptable. The only concession that may be obtained is the acknowledgement of language, cultural and religious rights, and even then it

may be done on an individualistic instead of a group basis.

4. Anti-Capitalist Forums

The most important organizations under this heading are the Black Consciousness Movement (BCM), the Azanians People's Organization (AZAPO) and the Pan African Congress (PAC). A basic tenet of the policy of these groups, is a form of reverse racism, for they try to exclude Whites from membership in their organizations, although this position is changing, especially after the murder of White activist, Neil Aggett (Adam and Moodley, 1986 : 101). The policy of these groups emphasizes a two-nation approach, namely the existence of an oppressing White- and an oppressed Black nation, and the aim is to strive for psychological liberation from Apartheid and to concentrate on the role of the Black working class in the struggle for liberation. The emphasis is on the Black working class and the attitude is strongly anti-capitalistic. In contrast to the Freedom Charter's notion of different national groups, AZAPO for example, demands the development of "one National progressive culture", and totally rejects the concept of ethnicity as being divisive. According to Adam and Moodley (1985 : 99), BC strives for cultural uniformity, and their logo, "one national, progressive culture", seems to imply linguistic and educational indoctrination.

As can be seen from these stated policy objectives, none of these groups seem to show a great affinity for group rights. AZAPO, for instance, regards Whites (who have been in South Africa for about the same length of time as Blacks) as alien settlers who have little claim to property rights.

Let us look at what one of these organization's ideologists, Neville Alexander (1985 :41-56) has to say about groups. Firstly, he argues, the whole struggle against Apartheid is a class struggle - not just an ordinary class struggle however, but a Black working class struggle - "only the Black working class can take the task of completing the democratization of the country on its shoulders". Obviously, White workers are not welcome in this struggle, no matter how liberal they are.

With regard to groups, Alexander refers to the policy of "divide and rule" by which white governments since 1910 have created, revived and entrenched antagonistic feelings between language groups (Xhosa, Tswana, Zulu etc.); religious groups (Muslim, Hindu, Christian etc.); cultural groups (Griqua, Malay, Coloured etc.), and racial groups (African, Coloured, Indian and White). The concept of ethnicity was and still is used to fragment the Black opposition, and in Alexander's words, "to serve the interests of the ruling class by preserving Apartheid".

Alexander believes that by recognizing groups in whichever form, one reinforces separatist and disruptive tendencies, as it provides for ethnic separation. Yet he does not totally ignore group realities, which he defines as economic, material, language and religious differences. However, he claims, these differences are neither permanent nor necessarily divisive if they are redirected for the purposes of national liberation. Alexander also indicates ways to overcome some of these differences, for example in the case of languages, he suggests that all "Azanians" should be able to speak English as well as their own regional group language.

Alexander, in arguing against group rights, makes some points which I cannot agree with in accordance with my perception of the value of groups, but he does ask certain relevant questions, which form an integral part of this chapter, eg "What determines the positive features of a national group? What are the limits or boundaries of a national group? Is a national group a stunted nation?"

5.2 WHO ARE THE MINORITY GROUPS IN SOUTH AFRICA ?

The postulation has been made that in the case of deeply divided plural societies, a political approach emphasizing group rights is preferable to one that concentrates solely on individual rights. The rest of this chapter will deal with the question whether such an approach is suitable to South Africa, especially seen in the light of Adam and Moodley's contention that the country could actually develop within the framework of individualism according to the Liberal model, to become a common society where race and ethnicity are irrelevant.. Furthermore, would it be possible to predetermine the nature of group configuration under conditions of free association in the post-Apartheid South Africa ?

Before attempting to indentify present and future groups, it is necessary to recap on the definition of "group" or "minority" as formulated in chapter two, to see whether it can be made applicable to assist us in identifying minorities in South Africa. Sigler (1983 : 5) defines a minority as : "...any group category of people who can be identified by a sizeable segment of the population as objects for prejudice or discrimination or who, for reasons of deprivation, require positive assistance of the state". Schlemmer (1983 : 489) supplements this definition by saying that group identity depends largely on the

awareness of identity contrasts, i.e. on perceptions of how the group differs from others. These differences again, originate in conflict, because of close proximity with others in a geographical area or alternatively by collective demoralization. Several other differentiating factors are used to identify groups, eg. skin color, religion, language, cultural differences and socio-economic conditions.

As has been said before, South Africa is the only plural country in the world where group membership is not on a voluntary basis, i.e. it is imposed by the state. This results in a distinct racial and ethnic configuration, strongly influenced by the ideology of the ruling White minority.

RACIAL GROUPS

The most well-known view of plurality in South Africa is the four-nation thesis by which the country is seen as consisting of four racial groups as determined by the Population Registration Act. The four groups are the Whites, Blacks, Indians and Coloureds. According to the figures given by the Race Relations Survey (1986, Part 1, p.2), the population figures of the four racial groups are:

Group	Population	Proportion
African	24 901 139	74,1%
Asian	878 300	2.6%
Coloured	2 881 362	8.6%
White	4 961 062	14.7%
Total	33 621 863	100%

Alexander (1985 : 14) identify three variants of this view : Firstly the liberal perspective maintains that the four groups, according to the Population Registration Act, are races (and not nations), which can coexist in a single state; The second view, also from White liberals, developed from a multi-racial position into a more subtle ethnic ideology; Thirdly, the Youth-League perspective sees the South African nation as consisting out of Blacks, while the other three "nationalities" (races) constitute national minorities. This third perspective can also be found in the Freedom Charter, according to Alexander (1985 : 15). Some adherents of this view regards the "national groups" as nations, while others see them as ethnic groups in a single state. Alexander himself rejects any ideology which refers to ethnic or national groups because "such approaches are the thin edge of the wedge for separatist movements and civil wars".

Another perspective comes from the Black Consciousness Movement and PAC (Alexander 1985 : 18). These organizations claim that there are two nations in South

Africa, an oppressor-White and an oppressed Black nation. A distinctive aspect is that the perceived end-result of national liberation will be one socialist nation in which the White nation will have disintegrated. Alexander's criticism against this perspective is that it increase the danger of anti-White, Black chauvinism and ethnic separatism.

One also needs to look at the Afrikaner Nationalist/Conservative perspectives of South Africa being a multi-ethnic society (by virtue of compulsory assignation) complementing the multi-racial view. According to this interpretation, the Black race group can be subdivided into at least 11 ethnic nations, each with separate languages and separate territories. After 1948 it became the National Party policy of Apartheid and was used to justify the increasing fragmentation of Blacks and to create, revive and entrench antagonistic feelings between groups. Although the Blacks carried the brunt of this fragmentation policy, the Coloureds were also divided into three ethnic groups (Malay, Cape Coloured and Griqua). With the implementation of the Tricameral Parliament, the Coloureds, it seems, have been let off the hook (of further ethnic fragmentation).

The crucial question as to whether racial groups have any right to existence as legitimate groups outside

of the Population Registration Act. A closer scrutiny of the nature of existing groups is therefore necessary, starting with the Whites.

The White group is heterogeneous to a high degree. Apart from the three million Afrikaners, there are also two million 'Non-Afrikaners', consisting mostly of English-speaking Whites, 500 000 Portugese, 120 000 Jews and other European groups numbering in tens of thousands, eg. Germans, Dutch, Greek and Italian speakers (HSRC, 1985, - The South African Society: Realities and future prospects). The White race group, or at least a section of it, seems to be the only one wanting group rights and protection for their group identity (Adam and Moodley, 1986 :196). They hold most of the economic and military power and have the training and experience in running a state bureaucracy. For the reasons of security, for determining their own destiny, for the protection of their rights and material interests and for the general advantages stemming from political participation, Whites want guaranteed participation in a future democratic South Africa (Schlemmer, 1980 :491). The question of whether the White group should be further refined to an ethnic Afrikaner group and others, for purposes of identifying minorities, will be dealt with under the heading, 'ethnic groups'.

The Black race group also consists of different

cultural/ethnic segments. They number about 24 million, and are dispersed throughout the country, partly in certain homogeneous geographical units called Homelands, and partly in relatively integrated Black urban areas like Soweto. As a racial group, they enjoy generally low standards of living and have suffered to a great extent under Apartheid, especially so on socio-economic terrain. Even though compulsory ethnic and race classifications have been forced onto Blacks, this has resulted in only dividing them into ethnic categories, but not ethnic communities (Adam and Moodley, 1986 : 53), and with one or two exceptions, it is unlikely that future stratification among Blacks will occur along ethnic lines. The general impression is that Blacks would prefer a one-man-one-vote system in a unitary South Africa, with provision only for the protection of individual rights, although more moderate elements (and the Freedom Charter) do accept some form of cultural group rights. As shown in the previous section, there is a wide divergence of views among the Blacks, ranging from ethnic-based capitalist, to socialist approaches. According to Slabbert and Welsh (1979 : 95), Black Nationalism in South Africa has always been made up of groups with different ideological, class and regional interests, held together by a common rejection to Apartheid. They doubt whether this grouping would remain intact in the post-Apartheid era or, alternatively, that purely Black ethnic groups would have great support.

The Coloureds make up 9% of South Africa's population. They are of mixed racial origin, but because of the similarity of their language, history, and religion to that of the Afrikaners, they are often referred to as 'Brown Afrikaners', and no discernable different ethnic criteria exist between them and the White Afrikaners (Adam and Moodley, 1986 :13). The authors rightly criticize the perception of Coloureds as a "separate sub-nation". They argue that although it was possible for a separate Coloured group identity to have formed because of a long history of discrimination and stigmatization, it did not happen, and as proof Adam and Moodley use the low level of participation by the Coloureds (on average of 20%) in the group-based Tricameral elections - "Since political participation is only allowed on an assigned group basis, it is rejected altogether", according to these authors. Even if one does accept that the 20% of Coloureds who did participate in the elections did support group structures (personally I think that they participated to try and change the system from the inside and for the economic benefits), there is still rejection of group-based politics by 80% of the Coloured population (Even though Alan Hendrickse, leader of the Labour Party, believes that the House of Representatives can expect a 48% poll in the next election - Cape Times, September, 17 1987).

Research by De Wet Schutte (1985 : 364-376) gives a good indication of the Coloureds' socio-political perspectives on change in South Africa and of a separate group-identity. Schutte reached a conclusion that the Coloureds have never seen themselves as possessing a distinctive cultural identity, and because of this, oppression never affected them in the same way as, eg. the Afrikaners or Zulus (i.e., they never developed a distinct group consciousness).

The Indian race group numbers just over one million people, or about 3% of the South African population, and 85% of them live in Natal, mostly in the greater Durban-Pietermaritzburg area (Cann and Duignan, 1981 :35). They came to South Africa in 1860 to work on sugar plantations, experienced discrimination to the same degree as the Coloureds, and eventually formed an intermediate caste, having neither the numerical strength of the Blacks, nor the political power of the Whites.

According to Moodley (1980 : 251) the level of sociocultural cohesiveness of the Indians is much higher than the "virtual anomie" of the Coloureds, as can be seen in the vast discrepancy between the two groups in crime rates, illegitimate births, alcoholism and in other spheres of social integration.

Moodley argues that this degree of cultural cohesiveness

is remarkable, seen in the light that the Indians are the most highly diversified group in South Africa, comprising Hindus, Moslems, and other smaller groups and speaking several languages such as Tamil, Telegu, Hindi and Gujerati (especially the older generation). The Indians emphasize "cultural superiority" in their search for identity and Moodley notes the high level of group self-confidence flowing out of this, but warns that "cultural narcissism" could prevent inter-racial alliances with other oppressed groups.

However, during the past decade, ethnic group solidarity has been breached on working class level and sentimental community affiliation has weakened, according to Moodley. To what extent this will continue to happen, depends on the security the Black Liberation movements can offer the Indian minority.

Indian participation in the Tri-Cameral election was even lower than that of the Coloureds (about 10%) which indicates the sentiments of Indians towards group-based constitutional plans. Research done by Couper, Rhoodie and de Kock (1983-84 : 379-393) indicates that while the vast majority of Indians reject Group-based politics, they are, in general, very aware of their double minority status in Natal, vis-a-vis the Whites and the Zulus. Furthermore, the findings of the research also suggests that fear of

Black domination appears to be more wide-spread and substantial among Indians than among Coloureds. In the sample taken, the majority of Indians (57%) indicated that Blacks should not be allowed to live in Indian residential area, as opposed to 46% of the Coloureds. About half of the Indians interviewed felt that Black Influx-control should be more strictly applied.

In spite of this research which was done in 1983-84, Couper and his fellow researchers acknowledge that one cannot ignore the vital role that Indians play in Non-White Liberation Movements like the UDF and ANC and their continued alignment with Black opposition forces. What is clear, though, is that Indians have perhaps the highest group consciousness of non-White groups in South Africa.

ETHNIC GROUPS

Adam and Moodley (1986 : 16) make the claim that South Africa's forced racial segregation policy has contributed to the rejection of ethnic boundaries. Alexander (1985 : 46) confirms the general rejection of ethnicity by arguing that, because of the way the National Party has abused the term "ethnic group", it is rendered useless as a tool of analysis in contemporary South Africa. Welsh (1987) agrees - "the government's approach is such as to discredit the entire principle". The important issue however, is whether

the rejection of ethnicity is merely a temporary phenomenon, because of its connotation with Apartheid, or whether it is based on deeper fundamental reasons which means that even under a system of voluntarily association, ethnicity would still be rejected by most South Africans ?

It is doubtful that ethnicity in South Africa can be wished away, ignored or forceably destroyed if based on democratic principles. There exists much historic evidence in support of such a view, especially if considering the recurring nature of inter-ethnic conflict in other plural societies. Internationally, all efforts to eradicate ethnicity, apart from mass-genocide, have failed dismally. It is unlikely that South Africa's ethnic position would be any different. It is possible then that in South Africa, ethnicity may replace race as the most important factor of stratification? Adam and Moodley (1986 : 16) stress the importance of not obscuring the difference between these two concepts and argue that the preservation of ethnicity "for the maintenance of cultural heritage" may be worthwhile, but to stratify society along racial lines, is unacceptable. The crucial question is whether the concept of ethnicity can ever shed its "apartheid cloak " and gain a respectable image which can be used to justify the stratification of the South African society?

A general definition of the term 'ethnic group' is given by

Slabbert and Welsh (1979 :10):

"... a group that is bounded off from other comparable groups or population categories in the society by a sense of its difference, which may consist in some combination of a real or mythical ancestry and a common culture and experience". The authors add that the basis of ethnic group formation lies in factors such as race, culture, language, religion or a combination of these. However, they also insist that the existence of these distinctive ethnic features do not imply that it is inevitable that a group will develop a sense of ethnic identity. As an example, they mention the fact that the English-speaking White South African never became an ethnic group in any significant sense, in spite of a distinctive language, traditions and origin, as in the case of the Coloureds. The reason why neither of these peoples became 'true' ethnic groups is because they could never hope to achieve power by themselves, and therefore rather aligned themselves with a larger White or Black consciousness (Slabbert and Welsh, 1979 : 37). This argument is debatable, because if this indeed was the reason for the lack of ethnicity among smaller groups, why did minorities like the Turkish Cypriots, the Tamils in Sri Lanka or the Catholics in Northern Ireland develop such strong ethnicity if they too never had a hope of "attaining significant power"? I think that the reason for the lack of ethnicity lies rather in the absence of a communal need to be identified as a group.

According to Professor David Welsh (1987), it is impossible to predict with any certainty what configuration of political groupings will crystalize under circumstances of voluntary association. But Welsh does go as far as to speculate that South Africa's "legacy of racial, class and ideological divisions" will play a role in the formation of parties (groups). Adam and Moodley's (1986 :29) definition of ethnicity are similar to that of Slabbert and Welsh and is as follows:

"Cultural ethnicity refers to feelings of commonality based on language, religion, regional particularities, and shared values and customs". Distinctive ethnic features such as these can be used as a starting point to evaluate the legitimacy of self-proclaimed ethnic groups in a future democratic constitution and a system of voluntary association in South Africa.

Language

According to the 1980 census (HSRC, 1985 -The South African Society: Realities and future Prospects), the major languages spoken in South Africa are:

Afrikaans	: 4,9 million
English	: 2,8 million

Zulu	: 6,0 million
Xhosa	: 5,4 million
Tswana	: 2,3 million
Tsonga	: 0,8 million
Ndebele	: 0,4 million
Swazi	: 0,6 million
Venda	: 0,5 million
Sotho	: 4,3 million
Others	: 0,7 million
 TOTAL	 : 29 million

The statistics had to be supplemented with information from Du Pisanie and Kritzing (1985 :451) in order to get correct totals for the Xhosa, Venda and Sotho groups as these were excluded from the HSRC statistics because of their 'independent' homeland status.

As shown in these figures, there are a few major language groups in South Africa and several less important ones. How important is this language division in the concept of group formation?

Throughout history, language was one of the most important rallying points of ethno-nationalism and was used to a great extent to accentuate ethnic consciousness. In defining 'nationhood', Krejci and Velinsky (1981 :33),

mention such factors as language, race, national character, religion, territory, political institutions and economic integration, but insist that among these, language is considered as the most important. In Europe, most successful linguistic units have succeeded in forming nation states while the less successful ones have remained frustrated minorities inside these nation states. Only in a few cases did any language group come close to being completely assimilated. In a study on linguistic minorities, Alexander (1985 :7) quotes Anderson's dictum to justify his own notion of the importance of language in the creation of a National identity: "from the start the nation was conceived in language, not in blood".

If language is so important that it is the "badge of nationality" and that it helps to create nations, should it then be assumed that the multi-linguistic nature of South African society will determine the future division of a plural South Africa under a system of free association? Or perhaps even result in the creation of several language-based nation states in accordance with the National Party theory? It is doubtful as to whether this will indeed be the case and whether language will play such a major role in group formation, except perhaps in the case of the Afrikaner, to whom Afrikaans remains of historical and cohesive importance.

According to Adam and Moodley (1986 : 221), there is a high degree of bilingualism among South Africa's Blacks, especially in urban areas. Most Black students, for example, want to be educated in English, but at the same time, do not want to give up their linguistic heritage, i.e. indigenous languages retain their regional importance. In other words, language may not be crucial in group formation in South Africa, because of the existence of a common denominator, English, which the majority of South Africans understand and speak. Alexander (1985 :55) holds a similar view: "All Azanians must have a sound knowledge of English whether as home language or as second language". The other ten or eleven languages would probably be regulated to regional use, eg. a person in Natal/Kwazulu could speak English and Zulu and in Pretoria, English, Afrikaans and Sotho. If language does have a role to play in ethnic group formation in South Africa, it will probably be in coordination with ideological and socio-economic factors, and not as a factor by itself.

Religion

According to the 1980 census (Loader, 1985 : 275), the ten most popular churches in South Africa are:

The Black independent churches (5,07 million),

The Roman Catholic churches (2,35 million)

The Methodist church (2,11 million)

Nederduitse Gereformeerde church for Whites (1,69 million)

Anglican churches (1,61 million)
NG church in Africa for Blacks (1,11 million)
Lutheran churches (0,83 million)
NG Mission church for Coloureds (0,67 million)
Apostolic churches (0,62 million)
Presbyterian church (0,49 million)

Religion is not crucial to the ethnic stratification of South Africa, and the chances are small that it will be in the future. Hamish Dickie-Clark (1976) lists the following corresponding injustices as being responsible for the "minority position" of both the Catholics in Northern Ireland and the Blacks in South Africa:

- centuries of war; colonialization; oppression and economic inequalities such as unequal employment opportunities, housing and no just political representation. It is a fact that religion in South Africa, unlike in Northern Ireland plays a relatively small role in the oppressed position of the Blacks. Of course the Dutch Reformed Church helped to formulate the discriminating nature of Apartheid, but nowhere to the degree as the sectarianism introduced in Northern Ireland by Protestantism. The difference between South Africa and Northern Ireland is that the latter defined the above-mentioned injustices against its minority in religious terms, while in South Africa discrimination is defined on racial terms.

If Dickie-Clark is correct in saying that religious or sectarian conflict has greater staying power and greater potential for perpetual antagonism than racial conflict, then South Africa's problem seems relatively solvable. South Africa should therefore be grateful, according to Dickie-Clark's thesis, that 76% of South Africans belong to Protestant Christian churches.

Brewer supports Dickie-Clark's thesis by claiming that differences exist between the Catholics' struggle in Northern Ireland and that of the Blacks in South Africa and that racial issues in South Africa are more negotiable than religious issues in Northern Ireland:

Firstly, he claims that the Blacks do not want to destroy the South African state, but merely want to change the government, unlike the Catholics who want to destroy Ulster in order to unite Northern Ireland with the Republic of Ireland. Secondly, the majority (80%) of the Blacks do not support violence and it is notable that an organization like the ANC has a long tradition of non-violence. In contrast, the Catholics in Northern Ireland regard political violence as legitimate and have a long-standing tradition of violence.

In the light of the above-mentioned factors, it is with a degree of relief that one can assert that religious

differences in South Africa are relatively minor and religion as such unite rather than divide the Country. Unlike Northern Ireland and Lebanon, race rather than religion is the key to stratification and domination.

In South Africa there are no strong unifying churches like the Catholic Church in Spain and Brazil. There are many different denominations and churches, but none are really politicized. At the same time, the church as a group-mobilizing factor for Blacks is not very important, because of the many popular religions and the lack of a "unified pervasive church". Furthermore, Black theology does not promote a separate religious ethnicity, but rather a common fate with White Christians (Adam and Moodley, 1986 :50). Even the mainly Black Zionist Christian church with a self-proclaimed membership of four million - Adam and Moodley (1986 : 201) put the figure at one-and-a-half million, has so far played almost no political role. The only strongly politicized religious figure is Bishop Tutu and the only active politically-oriented churches today are the White churches to the right, which are used to mobilize Afrikaners to the Right.

In short, religion does not seem to be a factor which plays

a important part in cultural ethnicity in South Africa, because of the insufficient power attached to it for it to become politicized (Adam and Moodley, 1986). If religion cannot fulfill a mobilizing role at this crucial stage in Black South African political development, which is characterized by economic and political repression and humiliating race laws, then there is not much chance for it to play an important role in ethnic stratification in a future democratic society.

Shared values and customs

The third aspect of cultural ethnicity, namely shared values and customs, is not a mobilizing factor per se, but is part of the larger concept of cultural ethnicity and ethnicity in general and acts as a group-differentiating factor. Shibutani and Kwan in Alexander (1985 : 136) mention the importance of shared values, traditions and beliefs in creating ethnicity: "An ethnic group consists of people who conceive of themselves as being of a kind. They are united by emotional bonds - they share a common cultural heritage, including usually a common language".

In South Africa, most tribal Blacks still adhere to their customs and traditional way of life which distinguishes them from other groups. But whether these will play any role in future Black politics is doubtful. Yet the role of shared values, customs and traditions can be used very

effectively to create ethnic consciousness, as can be seen throughout Afrikaner history - compare the role that 'Boeremusiek', mampoer, Afrikaner 'Volkspele', jukskei and the Day of the Covenant play in the Afrikaner tradition.

According to Giliomee (1983), the Afrikaners developed as a separate group with a high degree of endogamy during the first two centuries of White settlement, and by 1850 came to regard themselves as an ethnic group with a separate identity by virtue of intermarriage, language, customs and shared historical memories. He emphasises that the origins of Afrikaner Nationalism can be found in the era of British imperialism, but also in a "much wider economic, institutional and generational context". Only after unification in 1910 however, did the construction of Afrikaner Nationalism become a priority. Because of much internal conflict and disunity in Afrikaner politics, and as a result of socio-economic factors between 1910 and 1948, the Afrikaner Nationalist movement only reached a peak after 1948. Van Zyl Slabbert (1980 : 5) rejects the myth of Afrikaner unity, but points out how this myth was used for the purposes of ethnic mobilization. The ethnic mobilization which Slabbert talks about was created by the belief that Afrikaners were a unified nation, had the same desires for freedom and independence, adhered to the same religion, spoke the same language and came from common blood. Slabbert uses Singer's concept of "ethno-genesis" to describe the birth of Afrikaner ethnicity, in which the

church and language played the major part in creating a shared group identification. The strength of Afrikaner ethnicity, although not without deep divisions, was finally proven in 1948 when the National Party took over the government. Between 1948 and 1982 Afrikaner Nationalism has strengthened greatly, but in 1982 unity received a decisive blow by the breakaway of the Conservatives, who drew nearly half-a-million Afrikaner votes in the 1987 election.

When evaluating the legitimacy of Afrikaner "group" claims, one has to take the disunity in Afrikaner ranks into consideration. It is quite possible that half the Afrikaners have turned their backs on the group-based "reform" policies of PW Botha and prefer even more segregationist policies like total partition. It is doubtful whether one can still talk of the Afrikaner as a monolithic group making claims for group protection. The days of a homogeneous Afrikaner group is long past and one cannot ignore the strong differences within the spectrum of Afrikaners like Van Zyl Slabbert, PW Botha, Eugene Terreblanche and Breyten Breytenbach, to name but a few. The only thing these people have in common is their Afrikaans language, but even this ethnic bond is dwarfed by the strong ideological differences. Today the concept of minority rights is strongly associated with the Nationalist Afrikaner's goal of sharing power without losing it, while the Conservatives reject the term outright, because it would imply capitulation to the Black majority.

In a recent article, Giliomee contended that the conflict in South Africa is a communal conflict between Afrikaner and Black nationalists in which they struggle for control over the same homeland (Sunday Times, 2 August, 1987). In this respect I agree with Giliomee's contention that the essence of Afrikaner nationalism is not just external ethnic manifestations such as language, colour or religion, but goes much deeper - according to Giliomee, the most important factor is the belief that the group is unique and must continue as a group (Argus, 13 February, 1988). In my opinion, the essence of the Nationalist Afrikaner's concern with minority rights is not just a matter of securing their cultural rights and their belief to exist as a group, but is also tied to their desire to survive on economic and political levels in the new South Africa - Giliomee quotes PW Botha as saying: "The Afrikaner is determined never again to be subordinate in his country", and in a correspondence with the ANC he states his belief that the majority of Afrikaners will do everything possible to retain their political existence as individuals and as a group. In short, available evidence indicates that the Nationalist Afrikaners will make extensive group claims under a new political dispensation. Whether these will be regarded as legitimate by the Black majority is an open question. The obvious reply would be negative, but on the other hand, when all concerned is faced with a contracted civil war resulting with total destruction, compromise from

either side is possible.

A further question one must look at is whether the Afrikaner, even with the divisions between 'centre' and Right, is alone in his nationalist struggle, or whether it is the whole White group that is engaged in the nationalist question. I believe, keeping in mind the strong ideological differences among the Afrikaners and the strong support the National Party and its policies received from the English-speaking electorate in the 1987 election, we should rather think in terms of a general White group, for which there are more important values at stake than language, religion and other cultural issues. In this respect I refer to matters of socio-economic and security nature, which hold much greater practical implications for the ruling White group. In other words, when it comes to the survival of the White group, group autonomy in cultural matters is really an issue of lesser importance which will only be relevant to a smaller group of conservative Afrikaners. The latter group will probably have to be given total independence in an Afrikaner state which could be loosely incorporated into a confederation. When one is talking in more general terms of future South African groups, cultural ethnicity is really a non-issue and will take an inferior position among issues such as political and economic power. It is with this aspect that I will deal in the final section this paper. But before turning to that, I will briefly discuss economic ethnicity and the

class perspective as the third way of stratifying South African society.

SOCIO-ECONOMIC OR CLASS-BASED GROUPS.

The concept of class refers to factors such as income, occupation, status and relations to the means of production. In South Africa the concentration of wealth among the Whites and the general poverty among Blacks results in a convergence of race and class. Simplified, this means that if you are Black, you belong almost automatically to the working class, while a white skin reserves you a place among the 'exploiting' capitalist class. In more extreme socialist terms, this means that there are only two groups, namely, a Black working class versus everyone else in South Africa, with the latter groups including members of the White working class as well as the Black middle class. According to Alexander (1985 : 55), the Black working class is the driving force of the liberation struggle in South Africa.

Personally, I strongly disagree with a simplistic class explanation of the political situation in South Africa:

Firstly I believe that the concept of a Black working class opposed to a White capitalist class is outdated because of fast-changing racial components of the so-called working class as well as the middle class. Black upward mobility has rapidly increased since 1970 and especially

in the 80's because of the abolishment of certain Apartheid laws such as influx control, the opening up of Central Business districts of cities, and because of deliberate policies of closing the gap between Black and White incomes. The latter measure originated in the private sector, especially with foreign companies facing disinvestment pressure, but later also spread, to a lesser extent, to public corporations and government departments, the most recent (September 1987) being the Department of Transport, which promised equal wages for all races. Statistics show a rapid rise in the share of national income of Non-Whites from 26,5% in 1970, to 40% in 1980 (Louw and Kendall, 1986 :95).

Neither do I believe that class factors will play a major role in future South African politics, because according to Van Zyl Slabbert's thesis (1986 : 137), "the vast majority of people define the conflict in racial terms: racism versus non-racism; racial exclusion and discrimination versus non-racial inclusion and non-discrimination; White domination versus Black subjugation". Slabbert argues that the basic conflict is still over racial issues, despite attempts to ideolize it along class lines. Such attempts originate from factors both left and right of the political spectrum: On the right is government, which does the unthinkable by reasoning in "class" terms, and has as goal the creation and strengthening of the Black middleclass as a vanguard

against the "revolutionary" working classes. This is done through a process of co-option of sectors of the Black urban population by granting them 'favoured status' and certain economic advantages, according to Adam and Moodley (1986 : 142-154). In the view of these authors, the policy of co-option of the middle classes may backfire because it is mostly the lower-income and less-educated sections which let themselves become co-opted in order to obtain the economic advantages being offered. The new Black middle class are now leading the demands for economic and political freedom (Time , February 29, 1988). Yet if this is the case, the government still achieves its ultimate goal, namely, the neutralization of revolutionary potential. Adam and Moodley summarize, this strategy as follows : "the efforts of technocratic reformers trying to de-racialize White domination by substituting class for race". The degree of success is visible in figures given by these authors: more than one fifth of the Black population is employed by the state and has therefore, a distinct interest in the survival of the state. As Adam and Moodley (1985 :143) put it, these people "are in practice removed from active resistance".

From the socialistic left we also have an effort to ideologize politics along class lines, but for different reasons. Alexander (1985 :41) claims that "the immediate goal of the national liberation struggle is the destruction of racial capitalism", and that in South

Africa, this capitalist or ruling class consists of owners of capital, mines, factories, land etc. Furthermore, this ruling class has to secure its cheap labour supply to sustain its industries and therefore it created Apartheid for this purpose. Alexander rejects ethnicity as being divisive and argues that the working class and more specific, the Black working class, can wage the struggle against "capitalist and racial oppression" by themselves.

In contrast to the two "class-based" strategies on the left and right of the political spectrum, Nathan Glazer (1982 :47-56) argues that there has been a world-wide trend away from class-based politics towards ethnic-based politics, which is similar to the viewpoint of Slabbert, namely that in South Africa the issue is race and not class. This is of course, also the view I have held throughout this paper, namely that ethnic- and group-based politics are taking a larger place in the politics of plural societies worldwide. This is why I reject the contention that the South African question is primarily class-based or that class will determine future stratification instead of ethnicity.

This does not mean that socio-economic factors will play no role in future South African ethno-politics. In fact, the kind of economic system that a future South African government will choose, will determine the strength of

political ethnicity. Adam and Moodley (1986 :210) argue that ethnic sentiment declines when it impedes economic advantages and that an urban consumerist electorate in an industrial society, which has few links with institutional, ethnic or racial differences, will best succeed in creating stability in South Africa. This view is not without its critics, such as Wolpe and Melson (1970 : 113), who argue that "modernization, far from destroying communalism, in time both reinforces communal conflict and creates the conditions for the formation of entirely new groups" (in Slabbert and Welsh, 1979 : 37). They find support in Walker Connor (1972 : 347), who claims that increases in communications and transportation between groups causes discord instead of harmony.

Melson and Wolpe and Walker Conner may be slightly overpessimistic. It may be true that modernization and initial economic contact between groups can cause conflict, but surely as time goes on, these groups will get used to one another and especially in an industrial society, as Adam and Moodley argue, the market and consumerism can help to normalize inter-group hostility. This has already happened in most Black townships, where economic necessities are making ethnic/cultural differences between Blacks disappear. McGregor (1987) uses the example of Soweto where more than two million people from all ethnic groups have become a homogeneous group in their own right.

Whether this will happen also between Black and White in the marketplace, is not certain. But what happened in Soweto at least destroyed the National Party myth that South Africa consists of several distinct Black nations. It also takes us back to Giliomee's argument that the conflict is basically between African nationalism and Afrikaner/White group nationalism.

5.3 WHICH GROUP RIGHTS ARE RELEVANT AND HOW CAN THESE BE CONSTITUTIONALLY ACCOMMODATED IN A DEMOCRATIC SOUTH AFRICA?.

Having accepted the proposition that South Africa is a plural society in which the existence of groups with legitimate aspirations cannot be ignored, I have tried to indicate in the previous section that it is difficult to determine beforehand which groups may evolve in a future system of voluntary association in the Post-Apartheid era. However, the one group that will undoubtedly make group-claims in a future South African dispensation, is the 'White Nationalists'. This group presently holds most of the power in all spheres of South African society and I shall therefore limit the rest of my discussion to the nature of its particular demands for group rights and minority protection. Although Giliomee (Sunday Times, August, 2 1987) claims that the struggle is a communal one between Afrikaner and African Nationalists, I shall give a wider meaning to the concept of "Afrikaner Nationalists" to include not only Nationalists Afrikaners, (excluding Afrikaner Conservatives) , but also English-speaking Whites who hold similar beliefs and values and to whom I refer to as the White group. Motivation for such a view can be found in the believe that a substantial majority of Afrikaners and English-speaking Whites share similar views,

when it comes to physical, economic and political survival, as could be seen in the fact that no party in the 1987 elections advocated simple majority rule. Only when one includes more specific cultural matters such as language, religion and customs, can the Afrikaner be separated from the general White group consciousness.

The issues that needs some clarification concern the kind of rights that Whites as a group will want protection for, e.g. cultural, economic and political rights. Secondly, how these rights can be protected, i.e. through a Bill of Rights and the other formal constitutionally entrenched communal measures such as a minority veto, proportionality and minor autonomy etc. An alternative is to accommodate minority rights informally, without actually entrenching it in a constitution - examples are the informal veto in Switzerland, Canada, Lebanon and the Netherlands, and the informal coalition in the case of the former two.

WHICH RIGHTS?

According to Gordon, the most favourable position for a minority to be in (in a democratic-equalitarian pluralistic society) is one in which it "has an intermediate degree of power - less than that of the majority, so that it cannot

disrupt the society completely, but enough so that it can levy strategic influence to protect its rights" (in Slabbert and Welsh, 1979 : 39.)

The phrase "levy strategic influence" is of crucial importance in the study of minority rights and one has to determine which minority rights will bestow such an influence on a minority group. In contrast, the Freedom Charter merely refers to the equal rights of all people "to use their own language and to develop their own folk culture and customs", but mentions nothing about national groups having any strategic leverage. The concept of strategic influence refers to a wider interpretation of the rights of minorities than the protection of cultural rights, to include for example the sharing of power through a grand coalition, a veto, proportional representation and segmental autonomy, ie. to have a say in the distribution of resources, foreign relations and security.

The granting of cultural rights to minorities, protected by a Bill of Rights or a veto, and here I specifically refer to the maintenance of a particular language and traditions communal schools, in churches and in public institutions like broadcasting, newspapers etc., will not by themselves guarantee the survival of a group. But I agree with Adam and Moodley's proposition (1986 : 29), that "cultural ethnicity is inextricably intertwined with individual identity, and a good case can be made for its perpetuation and cultivation". Therefore, although I support the

notion of cultural protection for minorities I do not believe that cultural demands is the essence of White minority demands. It is rather only part of the White group's wider demands for economic and political survival-guarantees. Others, like Giliomee (Sunday Times August 2, 1987) place more accent on the Afrikaner's "deep emotional attachment to the ethnic group. I tend to support the ANC's viewpoint (as stated at the 1987 Dakar meeting) that Nationalist Afrikaners would increasingly place their immediate physical survival and economical well-being ahead of their Afrikaner-ethnic/cultural sentiments, but with the provision that even these are secured for them in a group context, not on individual basis. In other words, they might believe that their salvation lies with the larger White group and perhaps a centrist alliance, including Black moderates who may share similar values e.g. democracy and on adherence to capitalism. This believe may be helped on by: (1) increasing economic and social hardships caused by sanctions, international boycotts, etc. and (2) because of the moderating influence that two million English-speakers will have on the Nationalist Afrikaner who may want to see himself as part of a five million strong White group rather than a smaller Afrikaner ethnic group numbering only three million (11%) out of a population of 34 million. A larger White Group-consciousness should not exclude ideological alliances with other moderate Black individuals or groups.

Adam and Moodley (1986 : 16) accept the legitimacy of preserving ethnicity for the purpose of maintaining cultural heritage, but not for the purpose of making racial distinctions. They are supported by Claude (in Van Dyke 1983 : 12) whose basic argument is that nationality (ethnicity) must be made applicable to the cultural sphere only, and ought to have no political implications. It is with regard to this bias towards cultural ethnicity where I part ways with these authors, since I am of the opinion that minority rights should entail not only cultural safeguards, but real power-sharing too. For the present White government to give up their dominant hold on power, effective minority guarantees will have to be considered. This include entrenched constitutional participation on all levels of government as well as a system of checks and balances and political and economic security. An informal system of safeguarding individual and perhaps certain cultural rights do not fulfil these minimum rights that Whites may demand under a Black majority government.

Most examples of a proposed Bill of Rights for South Africa, have as a starting point the protection of individual rights with perhaps some kind of cultural protection for groups..

Dennis Cowan (Leadership Vol.6 No.3, 1987) argues that a

Bill of rights has to meet South African realities and must safeguard individual human rights as well as the rights of various cultural, religious and linguistic communities. Such group interest must be equally recognized and must be non-racial. Furthermore, a Bill of Rights must be justiciable, constitutionally entrenched and should protect human rights such as the equality of all persons before the law, no detention without trial, freedom of association, speech, religious worship, to own property, of movement and the right to vote (regardless of race, colour or belief.)

Louw and Kendall's (1986 : 171) proposed Bill of Rights cover the same basic spheres such as freedom of movement, property rights, the right of free association and rights against victimization and intimidation. They claim that by protecting these individual rights, minority rights are also protected in an constitutionally entrenched Bill of Rights.

A third example of a Bill of Rights originates in the Natal-KwaZulu Indaba. It consists basically out of the same provisions as the previous two and also mentions ethnic, linguistic and cultural rights.

Another example, is that of the Freedom Charter, which refers to the rights of different "national" groups and

accepts the right of people "to use their own language and to develop their own folk culture and customs". In short, the Charter seeks equal status for ethnic groups in the courts, schools and other state institutions.

These proposals acknowledge and aim to protect cultural rights, but they do not go much further than that. In other words, no guarantees are given to ensure that minorities will share power at the highest levels of government, retain their share in the economy or on security issues. As will be shown in the next chapter, the Natal-KwaZulu Indaba Proposals come very close in dealing with both informal and cultural rights as well as the constitutional entrenchment of a system of power-sharing between minority and majority groups in Natal.(i.e. through the granting of some degree of strategic influence to minorities).

The legitimate minority claims of the Whites as a minority in a future democracy have to be distinguished from the National Party concept of minority rights which is based on the fixed idea of forced racial group classification, with the ultimate intention of perpetuating White economic, social and political dominance. By legitimate rights I refer to the claims of groups formed through free association who seek participation in issues concerning that group in the highest echelons of power. Groups like these, whether they are of purely ethnic Afrikaner origin, a broader White racial group or e.g. even a multi-ethnic

such as a White/Indian/Coloured/Zulu political grouping, could make legitimate group claims through a political party. In the latter case such a group would unite on ideological basis and would have cross-cutting ethnic affiliations.

A further important issue is how to determine which constitutional system will best accommodate such rights? The nature of such a constitution will have to be determined by negotiation and compromise between, on the one hand, the adherents of an individualistic approach, and on the other hand, adherents for comprehensive minority safeguards entrenched in a constitution based on effective power-sharing.

CONSTITUTIONAL STRUCTURES

Schlemmer (Sunday Times, Sept. 13, 1987) mentions the following elements or basic requirements to which a compromise constitution have to conform to:

Full majority representation in the highest organs of government without reference to any formal constitutional distinction between the powers of communities. Any divisions of powers making for elements of self-determination would have to be part of the agreement.

A formula which will ensure the creation of equality of opportunity in the civil service for all groups. Sufficient reassurance as regards checks and balances in government, law and order and efficiency of administration.

According to Van Niekerk (1988 : 19) the basic requirements to which a democratic constitution for South Africa should comply with are:

All South African individuals and groups must have an effective say on all levels of decision-making.

Consensus politics should be promoted.

Non-racial or non-ethnic based politics should be rewarded.

Political power should be decentralized as far as possible.

A rejection of all political violence.

Keeping these points in mind, we can now look at possible constitutional options which will help facilitate a minority compromise and could help bring a democratic Black majority government to power.

Since the central thought throughout this thesis is that, in view of the experience of other plural societies, simple majoritarianism, an individualistic system or a unitary

constitution are not ideally suited for the protection of minority rights in South Africa, I will therefore look at two other options, namely federalism and consociational democracy. Both concepts have as a starting point the devolution and sharing of power on all levels of government and have proven to be successful remedies to the problems facing conflict-prone plural societies, regardless of whether divisions were on ethnic or ideological levels. Since these constitutional concepts are not mutually exclusive, the best solution for South Africa will probably be a consociation inside a federal structure as Van Niekerk rightly proposes (1988 : 20).

FEDERALISM

The "federal idea" in South Africa has a long history. As early as in 1909, Olive Schreiner make the following argument in favour of federalism: "A huge territory like South Africa divided into a number of strongly organised and individualised, though confederate States, will present a far greater obstacle to the undue dominance of any interest, class or individual than the same territory under a unified and centralized government. The special danger of centralized democratic states is always the tendency to fall a prey to the tyranny of sections, or large interests, or of strong individuals" (Forsyth, 1984 : 4).

Federalism in South africa before 1910 was mainly seen as an instrument for consolidating the British Empire by linking up the Afrikaner and British settlements to create, in Lord Carnarvon's vision, a confederation similar to Canada. The idea of using federalism as a binding force, failed because it was too crudely and insensitively thrust upon the South African communities by the British, , according to Forsyth (1984 : 2).

Although it was generally assumed that the unification of the four colonies would be federal in nature, a unitary system was finally implemented in 1910. The argument in favour of federalism came from the British imperialists (who saw it as a means to consolidate the British Empire) and from the Natal delegation. In contrast, most local South African forces propagated a union because it would have resulted in greater autonomy and independence from Britain. Several factors resulted in the idea of federalism being neglected during the National Convention in 1909. Some leading proponents of federalism were absent and the Natal delegation, who favoured federalism, came relatively unprepared to the Convention. They were influenced along with the rest of the delegates by writings and speeches against the "defects of federalism" which were circulating at the time.

Smuts and Merriman were the two leading figures propagating

a unitary system, claiming at the time that South Africa's problems required "uniform treatment and firm handling". Arguments given against federalism included the alleged fragmentation of power, seen at the time as disadvantageous. Federalism supposedly enabled corruption to flourish and it made arbitrary bodies such as courts too powerful. Smuts' argument against federalism was as follows : "...to my mind the great difficulty with federation is this, that it assumes that a number of independent parties come together and enter into a compact, into an agreement, which is binding for the future. The federal system is one of checks and balances The natural result of that system is that it becomes a hide-bound system, a contract between a number of parties which the future cannot attempt to change, and the result is a rigid, inflexible Constitution which cannot develop as things go forward. Is that the sort of Constitution we want for South Africa, for a country in its infancy? Do we want a Constitution which will lead to civil wars as the American constitution led to? No, we prefer to follow a different type - that of the British Constitution" (Forsyth 1984 : 3).

Forsyth disagrees with Smuts' assertion that the constitution of a federal state necessarily takes the form of a contract - "A federal state only comes into existence when its constitution is not regarded as a contract, but as something made by the whole as a single indivisible entity,

which does not preclude intensive bargaining before the Constitution is made." In addition, the assumption that the American federal Constitution led to the Civil war, is questionable. It is highly probable that the Southern states in the U.S. would have seceded anyway, whether it was a federal constitution or a unitary one, because of the deeply divisive issue of slavery and the bitterness it evoked.

Merriman's argument was that a federal constitution was not necessary as there were so few differences between the Afrikaner and the English. For him the two groups were forming a homogeneous population, and descended from the same "stock and sharing a common Protestant religion, unlike the French and British Canadian". Merriman's interpretation of the homogeneity could be regarded as premature. The Afrikaner and English may both have had their origin in the Protestant part of Europe, but at the time their language, culture and outlook on life were vastly divergent, not unlike the ethnic differences in Canada between French and English-speaking Canadians or between the Flemings and Walloons in Belgium.

Both Smuts and Merriman have made a mistake in assuming that an unitary government would bridge all cultural/ethnic differences between South Africa's two major White groups. From 1936 to the 1960's ethnic antagonism between these two

groups intensified almost "to the level of civil war", according to Forsyth (1988 : 4), although the antagonism could even be taken back further to the Rebellion in 1915 and the flag crisis in 1927-28. Only a common fear of overwhelming Black numbers has helped to reduce the level of antagonism during the past three decades.

There is in my mind no doubt that the implementation of a federal system in 1910 would have been much more advantageous to all in South Africa. Firstly, the minority English group would have been able to prevent domination by the Afrikaners much more effectively than they could in a unitary system, especially if they demanded a more logical division of provinces than the present four, which could have strengthened their geographical base in Natal, the Eastern Cape and parts of the Western cape and the Rand. Not only on the level of local politics (like in the Natal Provincial Council) but also in national politics, a couple of strong English-dominated federal states would have countered the Nationalists much more effectively. Coupled with a system of proportional representation, it would have given the English a fairer share of political representation in South Africa (about 40% if they voted as a group).

Secondly, the Cape's non-racial system may have remained intact in a federal state located in the Western Cape

without the conservative Cape hinterland and the pressure from a strongly centralised unitary government).

From 1960 onwards, federalism surfaced again and became an increasingly important concept in South African political debate. According to Forsyth (1984 : 5) two forces were behind the resurgence. Firstly, there was a desire to impose a restriction on the sweeping and unrestrained power of the National Party government which made full use of the concept of the winner-takes-all electoral system in a unitary constitution. Secondly there was a need to look for an alternative political system to Apartheid in order to give all races in South Africa a say in the central government.

Federalism's popularity today can be seen in various institutions in South Africa's socio-economic system, for example, the system of industrial relations in the sphere of labour is typically federally organised, so are most sporting bodies e.g. the S.A. Rugby Board, the Synod of the Dutch reformed Church; also primary and secondary education and even the National Party organizational structure. (Du Pisanie and Kritzinger, 1985 : 454).

Since the idea behind a federal system in South Africa would be to fragment the power of a majority government and thereby to protect minority groups in autonomous states - the important question is how to arrange the fragmentation or devolution of power i.e. how to subdivide the country into logical federal units.

Owing to Black sensitivity over the issue of ethnicity, proponents of the federal idea in South Africa see a major problem in trying to devise a federal structure along present ethnic and racial lines. Alternatives would be regional or economic - based federalism.

Maasdorp (1980 : 142) gives examples of two forms of a geographic federation : in the first he uses consolidated homelands as a basis for federal states. This is an extension of the pure ethnic approach of the National Party and therefore stresses ethnic differences. Maasdorp's second example is the regional planning approach. The rationale behind this idea is that the present provincial boundaries merely represent a historical legacy and are not suited to the needs of a modern economy. According to this perspective South Africa is divided into ten states based on regional and economic grounds. Maasdorp claims that most regions are dominated by just one or two ethnic group. Each of these regions has a large city or economic growthpoint and on the whole it should, according to

Maasdorp, facilitate a "more equitable spatial distribution of the benefits of economic growth and development". Although this federal division is not based on ethnicity, there is a relatively high degree of ethnic homogeneity in most states.

Lijphart (1980 : 71) is in favour of what he calls "asymmetrical territorial federalism" which can be defined as the creation of relatively homogeneous ethnic states in certain defined geographical areas. For him, this arrangement complies with the basic purpose of federalism, the accommodation of diversity in an overall framework of political unity. He bases his argument on the assumption that the various groups in South Africa are still geographically concentrated to a significant degree. An interesting viewpoint of Lijphart's is that such a geographical federation would avoid the difficult question of determining of which groups or segments a democratic plural South Africa will consist. Where certain ethnic or other groups are too widely interspersed, Lijphart suggests a corporate (non-territorial) federation.

Du Pisanie and Kritzinger (1985 : 449-450) also envisage a federation based on a geographical basis i.e. along the line of the original settlement of the Black group in South Africa, for example the Xhosa in the Eastern Cape, the Zulu in Natal and the Tswana in the Northern Cape and Western Transvaal.

They claim that the original geographic distribution is still more or less intact, apart from the Pretoria-Witwatersrand-Vereeniging region, which is multi-ethnic. According to Du Pisanie and Kritzinger, even the Coloureds have a clear geographical base in the Cape Province and PWV region and the Indians in Natal and PWV. The Whites however, have spread to all parts of South Africa in proportion to the economic strength of each region. They suggest four steps by which federalism can be implemented in South Africa : The entrenchment of individual rights; devolution of power to local authorities; establishment of regional governments and cultural authorities; the establishment of structures for general affairs of national interest.

Louw and Kendall (1986 : 133) agree that political entities based on ethnicity are automatically linked to Apartheid, but the federal (canton) system they propose will, according to them, totally dismantle Apartheid and therefore the connection between ethnicity and race ideology as well. Their proposed canton system divides the country into at least 360 cantons, based on the present magisterial districts, which will be autonomous, but linked to the central government for matters of national concern. They agree that some federal units will have a "high correlation with ethnic and/or socio-economic population distribution".

A summary of the views of the above-mentioned federal proponents indicate a strong sentiment towards a federal division based on existing patterns of ethnic and cultural settlement throughout South Africa. They mostly suggest asymmetrical models of mutually reinforcing federal and segmental boundaries, which coincide with current ethnic divisions, even though ethnicity may be disguised under the cloak of territorial or economic dividing lines.

Adam (1979 : 300) tries to avoid this ethnic-based perspective when he mentions his conditions for a successful federal system in South Africa, of which the most important is the total avoidance of any reference to race or ethnicity as a constituent rationale. He does admit, however, that linguistic and ethnic settlement patterns as well as historical, geographical and economic conditions would have to be considered when devising the boundaries of the federal units.

Difficulties in the implimention of South African Federalism.

There are several factors which make the implementation of a federal system difficult in South Africa. Firstly, to implement a federal system in South Africa without using

ethnicity as a departing point is virtually impossible. By ignoring ethnicity and group consciousness, there would be no point in implementing federalism, for the purpose of federalism is to protect group interests by allocating to minorities a degree of power which may otherwise have been used by the majority to the detriment of the minority.

Secondly, there is the incompatibility of the maximum requirements that a White minority and a Black majority may want from such a federal system. For example, Swilling (1987 : 7) mentions the reasons why Whites may want to see federalism implemented : Firstly to prevent the Black majority from implementing a socialist economic system which could entail confiscatory taxation, fiscal indiscipline and nationalization; Secondly to prevent a too rapid advancement of inexperienced Blacks up the hierarchy of the civil service and reverse discriminatory employment practices; and thirdly to avoid ethnic conflict that may erupt under a Black government and could lead to economic and political chaos. It is doubtful whether the Black majority would accept a system that is so obviously designed to curtail their newly gained (post-Apartheid) freedom to act in a way as they may believe a democratically elected majority should be allowed to act. Federalism directly opposes unbridled majority power.

Since it it would be totally unacceptable to use federalism

as a tool to ensure White privileges and domination, a more legitimate aim would be to limit any one majority group's access to political power which will result in such a ruling group being prevented from making drastic and sweeping changes affecting the legitimate rights of minorities.

Another reason why federalism may not be a viable idea, can be found in the fact that federating units in South Africa will not be homogeneous, i.e. regional demarcations will not correspond with ethnic settlement. In chapter 3 it has been shown that in most cases where federalism has been implemented, the lines of demarcation closely followed ethnic territorial settlement e.g. Canada, Belgium, (excluding Brussels), Switzerland and Nigeria. It was not possible in Northern Ireland, Lebanon or Cyprus, because of the widely interspersed nature of the ethnic groups. Cyprus tried a corporate federalism in which the ethnic groups did not live in one specific geographical area. South Africa's population is also highly intertwined, apart from a few million Blacks still living in traditional homeland areas. Slabbert and Welsh (1979 : 140) concur : "Prima facie, South Africa does not seem promising as a federal situation, the major reason being that its diversity has no territorial nexus".

A further reason why the implementation of federalism may encounter resistance, can be found in the Freedom Charter.

The Charter clearly states : "The national wealth of our country, the heritage of all South Africans, shall be restored to the people". There is no doubt that a major redistribution of wealth is expected by the Black majority, who have, for decades if not centuries, suffered gross economic injustices linked to White exploitation. The perception among Blacks is that the easiest way to implement a redistribution of wealth would be through a strongly centralized unitary state. The Afrikaner's own example of correcting economic inequalities between himself and the English after 1948 through a massive transfer of wealth from the English-dominated private sector to the Afrikaner-dominated public sector, proves how a unitary state can be of benefit to reduce such inequalities. A federal South Africa would be regarded by most Blacks as a major obstacle to the process of the redistribution of wealth.

CONSOCIATIONAL DEMOCRACY.

The implementation of segmental autonomy in South Africa will refer to the delegation of decision-making to ethnic, ideological or territorial segments. It is impossible to predict which segments will evolve in a democratic South Africa, but the principle of voluntary association is of overriding importance - segments should be able to define themselves. If the majority of Whites choose to belong to one segment, they will, through a system of corporate federalism (because of their interspersed nature), govern their own affairs, whether it is culture or economic

representation. As have been argued before, there is a strong case to be made out for the White group, especially to enjoy over-representation, because of their extraordinary strong social, political and economical position in South Africa, a position which should still be intact when the process of a negotiated settlement commences. In the case of federalism, over-representation should also apply to weaker federal unites, e.g. parity with stronger states in one of the Houses of Parliament.

The final principle, the minority veto, is also the most controversial issue of minority protection in the South African constitutional debate. It inevitably conjures images of the National Party notion of a blanket White minority veto, holding the Black majority hostage by vetoing any fundamental change or progress that does not comply with White Nationalist ideology.

A minority veto is supposed to give a guarantee to each minority segment of a plural society to ensure it won't be outvoted when its vital interests are at stake (Lijphart 1980 :61). Every segment can get a veto right, but normally a certain percentage votes are required e.g. 10% of the total votes. In Belgium, both groups have a blanket veto when it comes to language, cultural or educational matters; in Switzerland and Canada it exists informally, while Cyprus and Nigeria also had formal vetoes in their

In the case of Cyprus, the 'abuse' of the Turkish veto caused the constitution to collapse. This brings us to a difficult question - What constitutes an abuse of minority power ? What is seen by one party as an abuse, is perceived by another as a safeguard of vital minority interests. The vital interest of a minority could be defined as interests which can be overridden by conflicting claims of a more powerful majority, to the detriment of the minorities's continued survival, whether it be culture, security or socio-economic interests (own definition).

According to Slabbert and Welsh (1979 : 153) the main purpose of the veto is to force negotiation and consensus between parties, not to paralyse government or to act as a permanent blocking device. Lijphart argues that a minority veto is not as absolute as it seems and that minorities will take notice of the dangers of overusing it to avoid frustrating the majority to breaking point. He adds that the added security which the thought of having a veto will provide, will actually make the use of it less probable. The example of Cyprus refutes Lijphart's optimism and it come as no surprise when the PFP recently announced that it is reconsidering the viability of the concept of a minority veto in their constitutional proposals.

One way to make a minority veto work in South Africa is to

increase the minimum percentage voter needed for a veto to be implemented, i.e. to a level just higher than any single segment's percentage membership of Parliament, executive or legislative. This means that no single one minority can succeed with a veto on their own and will need the support of another group to enable them to block "harmful" legislation. It will result in a process of negotiation and trade-offs between groups, rather than a permanent blocking which inevitably will lead to a breakdown of the constitution. In South Africa, the Afrikaners, for example, if they decide to form a group/party by themselves, will need the support of, for arguments sake, the Coloured, Indian, Zulu or perhaps an English group or even the support of members participating as individuals in order to veto certain legislation. The degree of support any group will get, will depend on certain trade-offs like promises for support in return, economic or social aid. The most common objection against a constitutionally entrenched minority veto in South Africa, namely that it will be used to protect White racial and economic privileges, can be met through the introduction of this system. It is a system which can, of course, be extended to increase the minimum percentage needed even further, just in case two groups hold very similar views, e.g. Afrikaans and English speakers. It can be referred to, for example, as the "double minority veto". It must be added

finally, that a minority veto can in any case, just be relevant only when the vital interest of a particular group is endangered - never for national or internationally related affairs, otherwise it could lead to a potentially dangerous situation where a foreign power bribes the leaders of a political or ethnic grouping to veto proposed legislation aimed at curbing disadvantageous intervention into local affairs by that foreign power.

By now it should be obvious that the "consociational" nature of the South African Tricameral Parliament and the basic principles of consociational democracy are not compatible. The 1983 Constitution contains elements firstly of corporate federalism/segmental autonomy by giving autonomy to three Houses in Parliament to deal with matters concerning the three race groups they represent (own affairs). Both the Coloured and Indian Houses and their Ministerial Councils have a degree of segmental autonomy over groups of people not territorially defined (the corporate element), which enables them to make decisions concerning "own" affairs relatively independently from the White "majority" in the system. Yet, this "free hand" is restricted by dependence on budget allocations by the White House in Parliament. It is further being impeded by provisions of the Group Areas Act which determines where each group are allowed to reside, an Act which retention is a crucial underpinning of the Tricameral system.

Secondly, as mentioned previously, two Coloureds and one Indian have been made members of the Cabinet, but because they are not represented proportionally according to their group's actual numbers in Parliament, they have very little real clout inside this body. Furthermore, important decisions are taken by the State Security Council anyway, which further diminishes the role of the Cabinet. This arrangement contrasts sharply with the consociational idea that the political leaders of all parties/groups/segments should jointly rule the country i.e. real power-sharing.

Thirdly, the numbers in the Coloured and Indian Houses of Parliament and in the Electoral College, are roughly in proportion to those of the Whites in relation to population sizes (4 : 2 : 1), but not with regard to the representation in the Cabinet or in the civil service.

Fourthly, neither of the two minority groups have a minority veto over legislation affecting their vital interests, because if they do try to block legislation, the National Party-dominated President's Council will ensure that it passes.

Further deviations mentioned by Lijphart (1980 : 68) includes the fact that the Blacks have no representation in the Tricameral system ; the presence of too strong an executive President; the fact that the Whites have an absolute majority in all sections which ensure them keeping

decisive power; the numbers of representatives of all groups are fixed, which means it cannot change along with changes in population proportions (other than with the approval of all three Houses), and finally, the fact that so little negotiations have taken place between the three groups when the constitution was devised.

There is no doubt that the government has done a great disservice to the very promising concept of consociationalism through the mutilation of its principles in the Tricameral system. As in the case of the government's abuse of the term minorities, it does not mean that it cannot be usefully applied in a system of democratic pluralism.

Finally I will look at the obstacles to consociationalism being successfully implemented in South Africa, as foreseen by Adam (1979 : 287). Since the critique of consociationalism has already been discussed in a previous chapter and is applicable also to South Africa, I will in addition just briefly discuss Adam's point of view. The first obstacle he mentions, is that groups membership in South Africa is imposed, instead of based on voluntary association. Although this is the case in the present Tricameral system, and forms the basis of the NP's policy, it does not imply that negotiated settlement cannot change all that and it does not mean per se that South Africa's plural nature is unsuitable for the implementation of some consociational principles.

Adam's second point deals with enforced restriction of segmental leadership, which refers to the fact that apart from the White and Zulu leadership elites, other Black leaders act mostly as individuals without the support of, and feedback to, their Black supporters. This would make the grand coalition of elites very difficult, because of the weakening of deferential attitudes of the non-elite public towards the leadership elite. The automatic reply would be that since Adam wrote his article in 1979, conditions have changed very much. The formation of the UDF and Cosatu, the higher profile of the ANC, the coming of age of religious/political leaders like Boesak, Tutu and Chikane and strengthening of the position of Buthelezi and Inkatha, have done much to unite leadership and followers and to provide for a degree of accountability.

The third obstacle Adam mentions is the fact that there exists an unequal distribution of power and resources among competing groups. This state of affairs is characterized by a situation where race and class coincide. In Adam's view, only a major redistribution of wealth would make a consociation workable. As been stated before, if consociational democracy are going to be used by the White ruling group to maintain the gross imbalances in the distribution of wealth between Black and White, it would fail utterly as a constitutional option. Idasa's Van Zyl Slabbert said on occasion that there are no such thing as Black and White Rights - only opportunities that are manipulated by one group to the disadvantage of another. If

all parties have equal access to these opportunities, then no party can guarantee economic privileges forever.

A summary of the previous pages on constitutional methods for plural societies, indicates that in spite of certain obstacles, a form of consociationalism in a federal structure may provide the White group with sufficiently firm guarantees to allow them to accept a Black controlled South African democracy. The constitutional proposals of the Natal-KwaZulu Indaba as discussed in the next chapter, embodies such a structure.

6.EVALUATING THE NATAL-KWAZULU INDABA PROPOSALS AND THE PROPOSED CONSTITUTION OF THE NAMIBIAN MULTI-PARTY CONFERENCE WITH RESPECT TO MINORITY RIGHTS.

Two of the most recent examples of constitutional engineering in Southern Africa, came from the regions of Natal and Namibia. Both regions are characterized by typical South African plurality, with ethnic, class and ideological divisions all coinciding. The Natal-KwaZulu Indaba opted for a system emphasizing both groups and individuals, while the Namibian proposals adhere to the classic Liberal model of individualism, tempered to some extent by a pluralistic model. The main difference between the two sets of proposals, is that the proposed Namibian constitution represents a firm step away from ethnic group structures, while the Indaba proposals still adhere to ethnic group representation with effective vetoes in the one Chamber of Parliament. It would allow for a great constitutional experiment if the South African government would be progressive and far-seeing enough to permit these two regional efforts to be implemented.

THE NATAL-KWAZULU INDABA PROPOSALS

"We have searched in the Indaba for a formulation of group interests and minority protection which is compatible with the fundamental tenets of true democracy" - Mangosuthu G. Buthelezi, Chief Minister KwaZulu, in a speech to the Afrikaanse sakekamer, Cape Town, 24 November, 1987.

In 1986, Natalians of all races, if not all ideologies, came together to negotiate for a non-racial, power-sharing constitution for South Africa's smallest province. The fact that such an Indaba (as the process of negotiation became known) was possible, was in itself an achievement, after centuries of wasted opportunities, and racist and segregationist policies followed by the ruling white minority group - policies which, when first introduced by the British Colonial rulers, were continued by their White Provincial successors. In the Union of South Africa these policies were finally brought to a climax after 1948 by Apartheid-induced Central government policy directives. With reference to these periods, Alan Paton (1987 : 32) claims that "the history of Natal from 1870 to the present day is not anything for its white citizens to be proud of." Yet, in 1986, Zulus, Whites, Coloured and Indians negotiated for eight months to formulate the Indaba proposals. The result is an example of how

opposing forces of South African society can come together and through a process of negotiation and compromise, reach an agreement acceptable to the majority of the participants - an achievement which is unparalleled in South Africa's history of race conflict.

The underlying idea behind the Indaba was to formulate proposals for a single legislature for the two territories of Natal and KwaZulu. The basic points of departure of the Indaba, as summarized by its Chairman, Prof. D. Clarence, were the following:

To remain part of the greater South Africa, taking into consideration the economic, cultural and historical ties between the two areas.

To provide political participation and effective representation for all people of the area.

To avoid legislation based on racial discrimination - to move away from apartheid following the lead of the State President.

To ensure a free economic system with equal opportunities for all and the protection of the rights of individuals and groups.

To ensure that legislative and administrative power be devolved as much as possible.

Participants came from many sections of Natal's political and socio-economic communities. The initial list of all the major organizations which took part, reads as follows:

Full Members

Afrikaanse Handelsinstituut
Black Allied Workers' Union
Durbanse Afrikaanse Sakekamer
Durban City Council
Durban Metropolitan Chamber of Commerce
Federasie van Afrikaanse Kultuurverenigings
Inkatha
Islamic Council of South Africa
Junior Rapportryers
KwaZulu Government
Labour Party
Natal Agricultural Union
Natal Association of Local Affairs Committees
Natal Chamber of Industries
Natal Provincial Council
National Peoples' Party of South Africa
New Republic Party
Peoples' Congress Party
Pietermaritzburg Chamber of Commerce
Pietermaritzburg City Council
Progressive Federal Party

Reform Party

Regional Development Advisory Committee

Solidarity

South African Sugar Association

TUSCA

Observer Members

Natal Law Society

Natal Municipal Association

National Party, Natal

Invitation Declined

African National Congress

Azanian People's Organisation

Congress of South African Trade Unions

Conservative Party

Council of Unions of South Africa

Herstigte Nasionale Party

Natal Indian Congress

Pan Africanist Congress

United Democratic Front

(Van Wyk, 1987 : 48).

According to Van Wyk (1987 : 45), there were very few procedural constraints, and decision-making was based on consensus, or at least a two-thirds majority. In the event, formal voting was a rare occurrence, because negotiations continued until full agreement was reached on most matters, except of course, on the final vote. Committees were appointed,, the most important being the constitutional committee, although the Indaba was not bound by proposals of this committee. After eight months of negotiations, the Indaba proposals were overwhelmingly accepted (only the four Afrikaans-speaking bodies rejected it).

The proposals emerging from the Indaba can be summarized as follows: they recognize the right of all people to participate in government, they recognize the rights of minorities and individuals alike and involve "intelligent, balanced power-sharing", according to Mansfield (1987 : 37). With respect to the Chairman of the Indaba, Professor Desmond Clarence's summary of the underlying principles of the Indaba proposals, one has to make the following qualification : According to Prof Clarence, the Indaba has it as aim , "to move away from Apartheid following the lead of the State President" - surely this statement represents a misconception of the spirit of the Indaba ? In my view it was never the aim of the Indaba to get rid of Apartheid and White domination by following the

lead of National Party. P.W.Botha actions, although more reformist than those of his predecessors, are those of an autocratic leader who is not prepared to sacrifice White domination for the sake of a peaceful future. For the sake of the future credibility of the Indaba, one trusts that its chairman was merely trying to make the proposals more acceptable to the government.

Before going into more detail into the constitutional proposals, I will briefly provide some general background on Natal and its people :

While most people in Natal making a largely agrarian existence in the 18th century, the 19th century brought a series of radical transformations which resulted in the establishment of a highly authoritarian Zulu kingdom north of the Tugela under Shaka, and of British colonial rule to the south (Maylam and Wright, 1987 : 16). Between 1838 and 1848, the remaining Zulu territories south of the Tugela which the British had not yet occupied, were invaded by the Voortrekkers ("Boer pastoralist invaders") from the Cape. They did not succeed in establishing their rule over the Zulu because the British soon seized the whole of Natal and introduced their own brand of "discriminatory territorial separation" between White and Black, according to Maylam and Wright (1987 : 16).

Shepstone, the head of the Native Affairs Department, can be regarded as the father of racial segregation in Natal, because under his administration, racial and ethnic separation were first officially implemented. In 1887 Zululand was annexed as a British colony and in 1893 responsible government was granted to Whites in Natal. In 1897 Zululand was again annexed, this time by Natal and was followed by the expropriation of large areas of Zulu territory for purposes of White settlement. By 1910 at the formation of the Union of South Africa, White domination of the Zulus was firmly established. During the next couple of years efforts were made by the Whites to revive the Zulu royal House in order to strengthen the position of traditional and moderate leaders. According to Maylam and Wright (1987 : 18), this was done to counter the militant popularly-based political movements like the ANC and the Industrial and Commercial Workers Union - an alliance between the more conservative Black groups, the state, Natal Provincial government and Natal "Big Business", which became an ongoing process which eventually resulted in the Indaba of 1986.

Natal-KwaZulu today has a population of almost eight million which consist of : six million Blacks, one million Indians, 0.8 million Whites and 0.2 million Coloureds. The majority of the population is concentrated around the industrial complex of Durban-Pinetown-Pietermaritzburg,

which is also the second-largest industrial base in the country after the Pretoria-Witwatersrand-Vereeniging region. Natal occupies only 7% of South Africa's territory, but produces 14% of its GNP and is home to 22% of its population. Apart from industry, Natal also has a strong agricultural base and is the major tourism province.

With regard to politics, the Whites in Natal were always regarded as more English and slightly more liberal than the rest of the country even though it did not seem this way at the National Convention in 1910. The fact remains that the Natal Provincial Council was the only one that remained under Opposition control from 1948 right up until the abolishment of the Council in 1986. Unfortunately this liberal perception received another blow in the 1987 general election when the English-speaking Natalians deserted the liberal Opposition in droves to vote for the National Party, resulting in the latter becoming the dominant party in the Province.

The Zulus seem to have been mobilized under Chief Mangosuthu Buthelezi and his Inkatha movement which claims membership of over one million. Inkatha has followed a policy of mobilizing its followers under a mostly ethnic banner and to crush opposition groups, according to Maylam and Wright (1987 : 15). Some observers, such as Southall (1981) seriously doubts the validity of Buthelezi's claim of wide-spread support among the Zulus, especially in the

urban areas. Southall's account is questioned by Brewer (1981) who claims that Inkatha do enjoy strong support in townships such as KwaMashu. The question of how much support Inkatha actually enjoys and the organisation's policy towards black opposition in Natal, came to the fore during the violent Inkatha-UDF/ANC clashes which reached a peak towards the end of 1987 in and around Pietermaritzburg. It is estimated that 268 people died as a result of this violence during 1987 (Financial Mail, January 8, 1988).

Conflicting claims have been made with respect to the causes of the violence - while Buthelezi has made vague claims (and many threats) that the UDF/ANC had launched a campaign to make the area ungovernable in August last year, the UDF claims that there are "overwhelming documentary evidence" that the violence has been initiated by Inkatha supporters (Business Day, 22 January, 1988). The evidence which the UDF refers to, originates in an investigation launched by a team of lawyers in Pietermaritzburg which apparently collected hundreds of statements indicating that Inkatha used violence against people who refused to join the organization or held different political views.

Regardless of whom instigated the violence, the fact remains that Inkatha is experiencing large scale violent opposition in its traditional base in Natal, which may be

indicative of Inkatha loosing its absolute grip on power among the Zulus in Natal/KwaZulu.

The Indians were originally imported to work on sugar farms and today they play an important part in the Natal economy, especially in relation to their small numbers. They experienced bitter conflict with the Zulus in 1949, and today they enjoy the advantages flowing out of their coalition with the Government in the Tri-Cameral system (although only about 20% of all Indians participated in the TriCameral elections). For example, education expenditure per pupil on secondary education varies from R2 060 per Asian student, to R263 per Black student. The Coloureds in Natal, although a much smaller group, enjoy similar benefits flowing out of their cooption into the Apartheid system (Ardington, 1987 : 55).

The Indaba Constitution

The constitution makes provision for a bi-cameral legislature, standing committees, cultural councils, an executive, a Bill of Rights and a Supreme Court. The electoral system will, instead of a simple majority or winner-takes-all system, take the form of proportional representation where every voter will have two votes, one for the First Chamber and one for the Second Chamber, regardless of race or ethnic group.

The First Chamber will consist of 100 members, 66 of whom will be chosen in 15 constituencies while the remaining 34 seats will be allocated to the various parties proportionately to the votes they receive. Therefore, if a party received 10 votes, it will get 10% of the seats. Under the present South African electoral system a party like the Conservative Party received half the number of the votes that the NP received in the last election, but received only 13% of the seats in Parliament (under a proportional system they would have received almost double that percentage).

The Second Chamber will consist of 50 members - 10 each elected by the five different background/ethnic groups. There are four ethnic groups, namely the Zulu, Indian, English and Afrikaans groups as well as a South African group for voters who do not wish to be classified in an ethnic way. Each party or interest group can nominate a list of candidates to represent any group and these candidates can be members of any group provided that those who vote for such candidates are members of the particular group in question (Davis, 1987 : 266). This system makes it possible for a party to win seats among more than one of the background/ethnic groups and to appeal for support across the ethnic spectrum.

The executive will consist of a prime minister and ten or

more ministers. The prime minister will be leader of the majority party in the First House and will choose five ministers from his own party and another five will be elected from an electoral college drawn from the opposition parties. An additional clause stipulate that at least one member of each background group is represented in the executive.

The Standing Committees are made up of members of all groups in both Chambers. There will be 15 committees of 10 members each. They will play a dominant role in the legislative program. Each party with more than 10% of electoral support in the First House will be represented on the committees, but no party can enjoy more than 60% representation on the committees. Representation on each committee is done on a proportional basis to ensure that all parties may participate.

Legislation - most laws will originate from the executive, channeled to the Standing committee, where a law must be agreed upon by a two-thirds majority of that committee. Once approved, it goes to the First Chamber where a simple majority will ratify it, and then to the Second Chamber where the same rule applies. A Bill affecting a particular group must also be supported by a majority of members of that group in the Second Chamber.

Cultural Councils will protect, promote and maintain

religious, language and cultural rights of the respective groups. These will be established for any cultural group which is successful in its application to be established as such a group. The Cultural Councils will have the right to be consulted by the Standing Committees and will have an absolute veto over laws concerning language, culture and religion. They also have the right to make representations to all levels of government as well as to the Supreme Court which will make a final decision when a dispute arises. The Councils are constitutionally recognized and entrenched.

It is interesting to note the comparisons between the Cultural Councils of the Indaba and those of the Belgium constitution. In Belgium, two separate Cultural Councils were set up for the Flemish-speaking and French-speaking communities, consisting of 50 members each and nominated on the basis of proportional representation by the parties. The task of the Belgium Cultural Councils is to supervise and to promote the spread of their culture in their own regions and in the bilingual Brussels area. They may express opinions on any cultural problem and may be required to present a motivated opinion to the Executive on cultural matters. The spheres of influence include the use of language, education, fine arts, communication, foreign cultural relations and so forth (Senelle, 1978 : 103-106). Basically it seems that the Natal-KwaZulu Cultural Councils

are very similar in nature and in task but differ in that the Indaba Councils may have more power ,e.g. the locus standi to go to the Supreme Court to test the validity of any Bill infringing on the rights of a cultural group.

The Indaba Bill of Rights gives the Supreme Court additional full testing powers (Dennis Davis, 1987 : 266), because the Court will be empowered to declare invalid any laws infringing on human rights and freedoms. The Bill of Rights, "...guarantees to everyone the equal protection of the law, without regard to race, colour, ethnic origin, political opinion or economic status, and in particular, enshrines the right to life and liberty, the right to own and occupy property anywhere; the principle of administrative justice; the right to public education; ethnic, linguistic and cultural rights (Davis, 1987)

According to Davis, the Bill of Rights bears a striking resemblance to the European code of human rights, but has certain features of its own, eg. the right to property, the right to belong to any ethnic group, and the fact that members of all groups will have the same right to public education.

The protection of minority rights is an integral part of the Indaba constitution. Because of the particular composition of the Natal population, Blacks will

inevitably dominate a proportionally-based parliament, and will probably obtain at least 75% of the seats in the First Chamber. They should also occupy about 60% of the positions on the Standing Committees, and at least six members of the Executive and the Prime Minister will be Black. (I have reached this figure as follows : the Prime Minister who will logically be a Zulu, will probably elect five Zulu cabinet ministers, plus one from the Zulu background group = six).

Keeping in mind the traditional White fears of becoming an oppressed minority under a Black majority government, the following question can be raised : Does the Indaba constitution provide enough protection for groups, ie. is there a sufficient degree of communalism to make this a successful plural society as set out by Van Dyke earlier on ?

The answer is unequivocally in the affirmative if one has to judge by the numerous minority protection mechanisms. Davis (1987 : 266) agrees, and mention several such minority checks :

Legislation needs to pass through both Chambers - in the Second Chamber the Whites have an representation of 40% and in fact, minority groups control 80% of this Chamber, through which all legislation have to pass. Furthermore, Cultural Councils also have veto powers; several members

on the Executive must come from minority parties; the presence of a Bill of Rights, which protects both individual and group rights, and is supported by an independent judiciary.

The constitution strongly resembles consociational democracy. Firstly there is the requirement that several members of opposition parties should join the Executive (the grand coalition). Secondly, proportionality is present both in the Indaba constitution and in consociationalism. Thirdly, both adhere to a mutual veto. Even Lijphart's concept of segmental autonomy can be found in the Indaba in the workings of the Cultural Councils and in the local and traditional authorities.

Criticism of the Indaba Constitution

The leader of the Natal National Party, Stoffel Botha, rejected the proposals out of hand, because of the : "lack of group protection and the unequal power-sharing inherent in the proposals". This accusation is a complete misrepresentation of the nature of the Indaba, and one has to seriously question the reasoning ability and the integrity of those in the National Party who claim to be interested in power-sharing. The proposals are replete with minority protection and the only reason why it has

proved to be radical for the government, is because the latter is not really interested in democracy or the sharing of power on an equitable basis. What the government actually want is for the Whites to keep overall control in the legislature and the executive or at least to have a blanket veto in any constitutional plans which may include Blacks in the central government. This of course is not true power-sharing. What the National Party is saying in effect is "let's share power as long as we keep control", which is exactly what the Indaba avoids in its constitution (Clarence : 1987).

Another view from the right came from the Afrikaanse Handelsinstituut, which rejected the Indaba proposals. In the words of Hatting (1987 : 72), the meaning of the final proposals is that effective participation by minorities in power-sharing can only occur if they form alliances with majority parties, and he says that this does nothing to solve the problem of group realities. Secondly, Hattingh claims that the Natal economy cannot afford to fulfil the demands (of the Indaba) to equalize First and Third World economies (namely White and Black respectively), without the destruction of "vested standards". Once again, this criticism can be rejected as being that of a member of the White minority group who will try to share political power superficially, without ever being prepared to give up control over White domination and privileges.

Criticism from the left came from the UDF, which claims that the Indaba was ill-timed and caused division in the "grand plan for total liberation". The UDF is supported by Sewpershad (1987 : 42) of the Natal Indian Congress who voices some more substantial, but debatable arguments, for example, that because the bulk of the funds of the Province is provided by the Central government, the Indaba government will have to function in accordance with the racial policies of the Nationalists. Furthermore, he claims that the Indaba emphasizes multi-racialism, instead of non-racialism and he also criticizes the ultimate power of the Supreme Court, which goes against the principle of democracy (which vests such power in the representatives of the people).

Further criticisms included doubts cast over the Indaba's claims to be democratic - firstly because so many of the true leaders did not participate, for example the ANC, UDF, AZAPO, COSATU and PAC, and secondly because even of those who did participate, only a few had a real mandate, for example, the PFP, NRP-Provincial Council and Inkatha. But even the NRP lost their mandate after the government disbanded Provincial Councils, and the recent election proved just to what extent the Natal electorate had swung away from the NRP towards the right. Inkatha itself is also subjected to doubts with regard to its claims for massive support from the Zulus - De Villiers (1987 : 15) .

Other criticism is aimed at the ethnic nature of the Proposals, e.g. the People's Congress Party stormed out of the Indaba because it believed that the Bill of Rights would adequately protect minority rights and that the ethnic composition in the Second Chamber would be unnecessary.

Another interesting point of critique comes from David Welsh (private interview, 1987), who doubts whether the Indaba represented a "real test of negotiation", since the principle actors on the South African political arena, the NP and the UDF/ANC were not party to the proceedings. He further claims that both Inkatha and the PFP/NRP "coalition" had a common interest in building an anti-NP, anti-ANC coalition. Welsh may be correct in so far as one looks at the wider South African perspective, where the main actors are the NP and the UDF/ANC. It is true that neither the two main organisations participated in the Indaba, but on the other hand, in Natal, neither the NP nor the ANC/UDF are represented particularly strongly. At the time of the Indaba negotiations, the PFP/NRP alliance held half the parliamentary seats and the majority of Provincial Council seats in Natal, therefore representing a considerable proportion of Whites in Natal. Inkatha too, is generally still seen as the dominant Black organisation

in the province. Although the negotiations did not include the 'extremist' views of the NP and the ANC/UDF, it managed to gather into the process the representatives of the majority of Natalians at the time.

In spite of criticism of the contents of the Indaba proposals, and criticism aimed at its supposed lack of legitimacy and credibility, the Indaba did produce proposals for a new constitution, which grants equal rights to all, and at the same time, ensures minority protection. For the first time, Black and White were able to negotiate meaningfully about their political future, and through compromise, achieved consensus about a constitution which can act as a model for much of South Africa's problems.

Finally I will refer briefly to the Joint Executive Authority (J.E.A.) which has been launched in Natal in 1987. According to Val Volker (1987 : 59) the J.E.A. is a "unique constitutional concept" in which two second-tier governments can co-operate on matters of joint concern at executive and administrative level, without having any legislative powers. The lack of legislative powers is where the J.E.A. differs from the Indaba proposals, which have as aim a single legislative for Natal and Kwazulu. The J.E.A. has a loose confederal structure, which allows

for co-operation between the Natal and KwaZulu, with both sides having the right to veto any plans. The body consist out of 10 members, five each from KwaZulu cabinet and from the multi-racial Natal Provincial Executive (whose members are appointed by the Government). The Administrator of Natal and the Chief Minister of KwaZulu are not legible for membership and only they will act as referees to overcome deadlocks that may be caused by the mutual vetoes of the two sides in the J.E.A. The two referees will decide by "agreement" between them how to solve overcome deadlocks. Since the final arbitration lies with them, problems may arise if they can't come to a agreement.

According to Volker (1987 : 59) the basic powers of the J.E.A. include :

- The administration of any law of KwaZulu or Natal assigned to it

- The administration of any function assigned to it by the State President.

- Making recommendations to amend any legal provisions in KwaZulu or Natal.

- Acting as the co-ordinating agency between the two bodies.

- The J.E.A. will be able to take decisions on such matters as road planning an construction, conservation, supplies and libraries.

It is obvious that the matters over which the J.E.A. is authorized to deal with, falls way short of the minimum requirements of the Indaba, namely political power-sharing and a single legislature for Natal and KwaZulu. Executive and administrative co-operation on matters like libraries, roads and conservation can never be a substitute for the sharing of political power in Natal. The New York Times (DEC.1, 1986), summed up the government's stance towards the Indaba as follows: "...the Botha regime is a poor risk, incapable of moving away from a bankrupt political system - a leadership frightened by even a limited experiment in multi-racial rule..."

THE CONSTITUTIONAL PROPOSALS OF THE MULTI-PARTY CONFERENCE OF NAMIBIA

"In the final instance, would a solution not be for the White to move himself out of a minority position to become part of the majority ?" Mudge (1987 : 22).

One of the more remarkable political turnabouts in White Southern African politics has been the case of Dirk Mudge, who has been transformed from a conservative, ethnicity-obsessed Southwest-African politician before 1974 to one of the foremost Namibian proponents of individualism in 1987. The transformation of Mudge will be discussed in greater detail to give an indication of what he has learned from 10 years of semi-post-Apartheid politics in Namibia and to indicate how the political ideology in Namibia has turned away from the notion of ethnicity and minority rights.

Mudge explains the evolution of his political views as follows : Initially he figured that ethnic groups should be recognized and put together in a race federation, instead of a geographical federation. At that stage, most politicians still thought in terms of geographically based homelands such as Ovambo, Caprivi, Namaland and Kavango, linked in central government. Unfortunately, a group like the Whites, which constitutes about 10% of Namibia's population of about one million, was not concentrated in any specific area. To solve this problem, a system was devised that was still based on groups, but without necessarily a geographical base. In political science terms, Mudge was thinking of a Corporate Federation, of which the former constitution of Cyprus was an example.

This corporate system also encountered a few problems, according to Mudge, of which the most important was the distribution of wealth - the Whites, being the most economically advanced group, controlled their own economic system, i.e. paying taxes and then spending the largest portion of the budget on themselves, effectively preventing a redistribution of wealth. This caused many grievances among other groups and once again, another solution had to be found. Finally, Mudge and the MPC hit upon the idea of individual rights and majoritarianism, i.e. to prevent the White group from being a minority by becoming part of the majority of Namibians. According to this perception

the White fear of majority domination will disappear, once common ground has been reached. When this has happened, race, language and culture should not be used any more to distinguish among groups. Common ground, according to Mudge, can be found in common patriotism, anti-racism, capitalism and democracy.

Mudge came to the conclusion that the protection of individual rights must enjoy foremost attention.. The reason why group rights need not be protected, is because the individuals making up groups already enjoy protection. He uses Lijphart's concept of consociational democracy and its first principle of a Grand Coalition to justify his argument that political parties, rather than groups should be the basic unit (Lijphart talks of segments or elitist leadership forming a government). Having rejected groups as a viable political entity in Namibia, Mudge logically rejects any form of separate areas or separate schools for different groups.

Mudge is the Chairman of the Democratic Turnhalle Alliance (DTA) which consists out of 11 ethnic groups. (The territory had second-tier government since 1980, based on self-government for the eleven ethnic groups.) The DTA withdrew from the governing National Assembly in 1983 because of differences with the South African government, and together with Swanu, Swapo Democrats, National Party and a Rehoboth Party, formed a Multi-Party Conference(MPC).

The goal of MPC was to work out a constitutional system for Namibia, and in 1985 it received legislative and executive power from South Africa and became known as the Transitional Government (Barratt 1985 : 429).

The MPC, in accordance with Mudge's view, formulated an individualistic constitution which largely ignored group rights, something which, of course, goes directly against the South African government's policy in this regard. It came as no surprise that pressure was exerted on the MPC in 1987 to revert back to ethnic based politics by holding local elections based on groups. According to the Botha government, there are insufficient safeguards for minorities in the constitution. According to Mr. Louis Pienaar (Die Burger 22 August 1987) Administrator-general of Namibia, South Africa, because of its supervisory capacity, has got a final say in the constitution. A deadlock seems imminent, because the MPC refuses to embrace the South African export of Apartheid based on forced ethnic groups. Mr. Mudge believes the reverse is possible, namely that the MPC of Namibia can export their individualist constitution to South Africa, as the concept of "democratic majoritarianism" will be much more suited to South Africa's problems than a policy based on groups. Clearly Mudge believes attack is the best form of defence and one can guess how this piece of advice will be received in Pretoria.

The Proposed Constitution as formulated by the Constitutional Council of the MPC includes the following provisions :

- The constitution moves away drastically from ethnic structures, and no provision is made for own and common affairs. Provisions are made for:
 - Equal political, economical and social rights for all Namibians, irrespective of ethnic origin.
 - A Democratic electoral system with proportional representation.
 - A Bill of Rights protecting basic human rights.
 - A guarantee for the protection of the rights of ethnic, linguistic and religious groups.
 - Freedom to use any language in education.
 - An independent judiciary.

Chapter two of the Constitution deals with the Bill of Fundamental Rights, Duties and guarantees. Section 11(2) stipulates that nobody will be disadvantaged because of his ethnic or social background, or his sex, language, colour, religion or political beliefs. Section 15.2 of the constitution deals with the right to be associated with any group without being forced or prevented by anybody else from doing this.

Section 17 deals with the right of all ethnic, language and religious groups and of people belonging to such groups to engage in, maintain and propegate their own culture, language, traditions and religion, as long as they don't interfere with the rights of other groups or endanger National interests.

No explicit recognition of minority rights is mentioned, and the South African government and the Southwest African Nationalists are on this ground strongly opposed to the proposals. The Nationalist perception of minority rights in Namibia implies that the 11 ethnic groups, based on Population Registration, would each have their parliament with seperate legislative and administrative powers, i.e. in line with the South African homelands structure.

According to Judge Hiemstra, (1988 : 11) the chairman of the Constitutional Committee, the vast majority of Namibians reject such a interpretation of minority rights on he following grounds:

- The continuation of White domination under the cloak of equal minority protection.
- The absurdity of a Central government without the right to collect taxes.
- A top-heavy administration, prone to corruption.

-A restriction on the freedom of political parties to cross ethnic boundaries.

The question arises whether the Whites as such, can maintain themselves as a minority on individualistic basis in a country where they make out only 10 % of the population, in relation to the 90% of the largest group, the Ovambo. According to Hiemstra (1988 : 13) the Whites, if adopting the right strategy now, and by using their technological and economical skills, would be in no danger of becoming a powerless, oppressed minority. Furthermore, the Bill of rights, an independent judiciary and other constitutional guarantees would further safeguard their rights. The analogous situation in Zimbabwe, where the Whites are competing/cooperating successfully on an individual basis with the Black majority, could provide them with further peace of mind.

In conclusion, it would appear that members of the Constitutional Committee of the Transitional government of Namibia had taken a hard look at the question of "whether formal abridgements of majoritarian power will not do more to alienate the majority, rather than provide for the security of the minority" (Slabbert and Welsh 1979 : 73). They came to the conclusion that a constitution which

emphasizes individualism and a common society is the best solution.

7.CONCLUSION

When I look towards the future I am fearful of the long darkness that may await us all. I am saddened by the human potential we have squandered. But we here in South Africa have problems to solve for which the rest of the world has found no solutions. That in itself is a great challenge." (Dr. Frederick Van Zyl Slabbert, 1985).

The "problems" which Dr. Slabbert is referring to, is of course, a reference to the question facing every plural society in the world, namely how to accommodate the demands of its competing segments. John Stuard Mill believed that such efforts would be virtually impossible in plural societies striving to uphold democracy. Vernon van Dyke is slightly more optimistic in arguing that it is possible for governments of plural societies to achieve legitimacy and to maintain democracy if they accept communalism i.e. if they supplement individualism with group rights which will protect minorities in such societies against majority domination. (Van Dyke 1983).

What I have been trying to prove in this dissertation is that plural societies can, to a degree, solve much of the conflict which plurality causes, by accepting certain communal measures. Of the plural societies discussed in

Chapter 4, Switzerland is perhaps the most outstanding example of successful management of inter-group conflict through constitutional engineering, based on the notion of group rights. Canada and Belgium are also examples of nations which have accepted the plural nature of their societies and have taken pluralistic measures such as federation and consociationalism. This does not mean that communalism is infallible - the example of Northern Ireland has shown us that some societies are so deeply divided that not even communalism can offer a solution, while the unwise application of some of the underlying principles of the concept proved to be the downfall of a united Cyprus. In the Soviet Union ethnic and nationalist sentiments have resulted in the implementation of quasi-federalism and some form of regional autonomy. In Zimbabwe, the reservation of a number of seats in Parliament for Whites and the appointment of Whites in the executive have helped to facilitate the transition of power from White to Black, even though Shona/Ndebele relations remain a source of conflict.

I have furthermore tried to place the concepts of ethnicity and group in contrast to other largely opposing concepts such as class and individualism. While group rights (which I have equated with minority rights for the purpose of this study), are not intended to be a substitute for individual rights, it fills the gap that is left by

liberalism between the individual and the state. Events in the 20th century have proven that group rights can co-exist and supplement individual rights in the wider spectrum of human rights. Even the all-important 20th century concept of class has lost ground against a resurgence of ethnicity and group consciousness during the second-half of the century.

In South Africa, race and ethnicity has always been the all-important issue, but the country also has been unfortunate enough to slide into a situation where race and class coincide. Because of this, cleavages caused by ethnic differences are exacerbated by coinciding differences in the status, income, occupation and wealth of these groups. It is this double disparity that makes even normally optimistic people like Dr. Van Zyl Slabbert fearful of, in his words, "the long darkness that awaits us all".

Others like Heribert Adam, are more optimistic and believe that South Africa is basically a common society in which ethnic sentiments and social distance between the Black and White groups will decrease when economic inequalities are removed and a non-racial, consumer-orientated industrialized democracy come into being. This view is shared, although from a socialist perspective, by the "official Black opposition", the ANC, who holds the view that the White minority is more concerned

about its materialistic well-being and economic privileges than ethnic concerns. In a similar vein, Stephen Glover of British "Independant" newspaper (June, 26 1987), argues : "What finally is political power if you can hang on to your swimming pool and your Mercedes ? - White South Africans are not attracted to power for reasons of benevolent paternalism. They want to defend their standard of life" On a less materialistic note, Giliomee argues that the conflict between Black and White is not merely over materialistic concerns, but also involves strong feelings of ethno-nationalism of the Afrikaner and White group. Giliomee's view of Afrikaner ethnicity is not incompatible with Glazer's theory of the universal force of ethnicity and with my own view as set out in this paper. The crux of my argument however, was that ethnicity, just for the sake of ethnicity (i.e. cultural), is becoming irrelevant and that the concept is used instead in to an increasing degree in an economic and political context.

With regard to the more practical side of South Africa's minority question, I have come to the conclusion that it is virtually impossible to prescribe or predict the nature and composition of groups that will emerge in a post-Apartheid society under a system of voluntary association. A notable exception is the Afrikaner or possibly the larger White group, without whom no solutions is possible.

With regard to the definition of the kind of rights which need protection, it is clear that most ideologies throughout the political spectrum make provision for the

protection of cultural, linguistic and religious rights, as long as these are not used to entrench the economic and political privileges of the White group - which logic tells us, won't be sufficient to entice the present White rulers into accepting minority status. The only way a solution in South Africa can be achieved, is to provide constitutional safeguards to the White holders of political and economical power, so that they will not loose out badly after power has been handed over to the Black majority, i.e. to give sufficient power so that they have strategic influence over matters concerning them as a group and over national issues.

The basic issue is over compromise and trade-offs. The Whites have to compromise their exclusive hold on power, while the Blacks have to agree to some compromise to their aim of majority government under a one-man one-vote system in a unitary state. Without this compromise on both sides, no solution is possible, but once this has been achieved, we should look at some of the constitutional systems which can give substance to such a compromise. Consociational democracy in a federal structure may provide the best solution, but the exact nature of such a systemt will have to be determined through a process of further negotiations between all relevant groups and institutions.

Finally looking back at this essay as a whole, one issue stands out : The existance of minority groups and the legitimate rights of such groups is not a newly invented

concept. Neither is it outdated or a "racist" relic of the past, nor is the propagation thereof a sacrifice of liberal and progressive principles. Groups, whether they are of political, ethnic or religious origin, are an empirical reality in today's world and very few societies are not plural to some degree - South Africa is no exception.

Proponents of the idea of minority rights receive criticism from all sides. The conservative Right, for example, could claim that the adherence to minority rights also means the acceptance of Black majority government, something which is totally unacceptable to them. To those on the left, minority rights is just another Nationalist ploy to maintain White privileges and dominance. Both these viewpoints are incorrect, as I have tried to prove in this paper. Democracy in South Africa will best be served not through the present minority government, neither by straightforward majority government, but through a system of power-sharing in a consociation in which even the smaller groups will have security for themselves and a say in the government of South Africa.

I conclude with the following statement by Theodor Hanf - Although it is quoted from a 1981-publication by Hanf, the remarkable aspect is that it is still applicable in 1988, in spite of all political developments in between :

"There is evidence that clear majorities of Black and White South Africans are prepared to abandon their respective maximal options and accept a compromise as the

second-best solution, namely power-sharing . Given this level of awareness some form of consociational democracy as preemptive conflict regulation in South Africa is not at all inconceivable.

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